# SUPREME COURT OF THE UNITED STATES.

## No. 42.

HARRIET E. HOOKE ET AL., APPELLANTS,

VERSUS

JOHN LINTON, CURATOR OF THE ESTATE OF F. A. BROWDER, DECEASED.

ON APPEAL FROM THE DISTRICT COURT U. S. FOR THE EASTERN DISTRICT OF LOUISIANA.

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DISTRICT COURT OF THE UNITED STATES, *Eastern District of Louisiana*, } *ss.*

Be it remembered that, on the first day of May, A. D. 1832, into the district court of the United States for the eastern district of Louisiana, came Harriet Elmira Hooke, William Butler Hooke, Francis Fitzhenry Hooke, Richard Butler Hooke, and Moses Josiah Hooke, minors, above the age of puberty, represented and assisted by their curator ad lites, John F. Carmichael, and by their solicitor, Alfred Hennen, filed the following bill in chancery, to wit:

*To the Honorable Samuel H. Harper, Judge of the District Court of the United States for the Eastern District of Louisiana:*

Humbly complaining, showeth unto your honor your oratrix, Harriet Elmira Hooke, and orators William Butler Hooke, Francis Fitzhenry Hooke, Richard Butler Hooke, and Moses Josiah Hooke, minors, above the age of puberty, citizens and residents of the State of Mississippi, represented and

assisted by their curator ad lites, John F. Carmichael, also a citizen and resident of the State of Mississippi.

That your oratrix and orators are the legitimate children and heirs of Moses Hooke, who departed this life, near Pinkneyville, in the State of Mississippi, A. D. 1821, and of Harriet Hooke, his wife, who departed this life, in the said State of Mississippi, on the 16th day of July, A. D. 1830.

That, on the 6th day of September, A. D. 1826, the said Harriet intermarried with Frederick Avery Browder, in the State of Mississippi; and previously to their marriage, the said Harriet was possessed of certain real and personal estate, situated in Wilkinson county, in the State of Mississippi, to wit, of a plantation called the Woodstock plantation, with the slaves, horses, stock, agricultural implements, and other personal property, thereto appertaining; also, of an undivided interest in the estate of Moses Hooke aforesaid, being her dower and distributive share of said estate; which consisted of a plantation called Salisbury, together with the slaves, horses, stock, agricultural implements, and other personal property thereto appertaining, situated in said Wilkinson county.

Your oratrix and orators further represent that, previously to the marriage between the said Frederick, the said Harriet, to wit, on the 5th day of September, A. D. 1826, a marriage contract was entered into, fully executed in the State of Mississippi, between the said parties, by which contract all the property of the said Harriet, situated in the State of Mississippi, was secured to her as her sole and separate property; and that, among other things in the said contract, it was stipulated that the said Frederick should have the control and management of the separate property aforesaid, during the existence of the coverture; and that the said Frederick and his heirs should not be held accountable to the said Harriet and her heirs for any part or portion of the income of her said property; it being intended that any surplus of the income after the payment of necessary family disbursements should be laid out in the purchase of property, all of which will more fully appear by a copy of said contract here referred to, marked A, annexed and made part hereof.

Your oratrix and orators further represent that the said Frederick and Harriet were afterwards married in the State of Mississippi, and there resided until the 16th of July, 1830, when the marriage was dissolved by the death of the said Harriet.

Your oratrix and orators further represent that, during the said marriage, the said Frederick received the crops of cotton raised upon the said Woodstock and Salisbury plantations, the proceeds of the sales of which amounted to the sum of seventy-five thousand dollars and upwards. And after the death of the said Harriet, to wit, since the 16th of July, A. D. 1830, he, the said Frederick, received and disposed of the crop on the said plantations for the year aforesaid, of 1830, amounting to the further sum of thirty thousand dollars, together with all the other income of the said Harriet's separate property; also the said Frederick, after the dissolution of the marriage, took, used, and disposed of a large amount of the personal estate of the said Harriet, amounting to the further sum of ten thousand dollars, together amounting to the sum of one hundred and fifteen thousand dollars.

Your oratrix and orators further represent that the crops received from the aforesaid plantations, to wit, of Woodstock and Salisbury, and the other personal property taken therefrom, after the dissolution of the marriage, by

the death of the said Harriet, on the 16th July, 1830, amounting together to the further sum of forty-five thousand dollars, was the separate and private property of your oratrix and orators; and the same was brought into the State of Louisiana, and there disposed of by the said Frederick, who intermeddled with the estate of your oratrix and orators, so brought into the State of Louisiana, without legal right or authority, and disposed of the same to the prejudice of your oratrix and orators in paying his own debts, or in acquiring or improving property held in his own name.

Your oratrix and orators further represent that, agreeably to the authority granted him by the said marriage contract, the said Frederick laid out a large amount of the said income of his wife's estate in the purchase of a sugar plantation called Arlington, situated in the parish of East Baton Rouge within the eastern district of Louisiana, and within the jurisdiction of your honorable court, together with sundry slaves thereon, as also, a large stock of horses, mules, cattle, agricultural implements, &c., and in the building of a sugar-house, dwelling-house, and other buildings, on said plantation; all of which was paid for with the said income of the separate property of the said Harriet.

Your oratrix and orators further represent that, by the laws of the State of Mississippi, where the said contract was entered into, the income of the wife's separate and sole property is separately and solely hers under such marriage contract aforesaid; the income, in the hands of the said Frederick, was solely and entirely the property of the said Harriet, and when laid out in the purchase of property in the State of Louisiana, the property so purchased was, by the laws of the State of Louisiana, the separate property and legally owned and possessed by the said Harriet; and, at her decease, belonged wholly to her heirs, your oratrix and orators, and cannot be subjected to the payment of debts contracted by the said Frederick, or to any encumbrances suffered or mortgages granted by him at any time during the marriage, or since its dissolution.

Your oratrix and orators further represent that the said Frederick was indebted, at the same time of his marriage aforesaid, to a large amount, and owned and possessed but a small estate; although he represented to the said Harriet his possessions and property to be large in his marriage contract; and described his property in a manner of perfect equality with her estate; whereas, in fact and in truth, the same was not so, and the same was not sufficient for the support of the family by its income; but large amounts of the income of the estate of the said Harriet was applied to the payment of debts of said Frederick by him contracted on his private account, previously to and during the marriage; and the said Frederick and his family were supported wholly out of the funds derived from the income of the estate; while your oratrix and orators obtained their maintenance and support out of their own private estate.

Your oratrix and orators further represent that the said Frederick departed this life intestate, in the parish of East Baton Rouge aforesaid, on or about the 1st day of March, 1831, without rendering any account to your oratrix or orators of the proceeds of the estate of the said Harriet, or of the estate of your oratrix and orators which he took into his possession and with which he intermeddled, disposing of the same to his own use, and to the payment of his own debts, and to the purchase or improvement of real estate, situated in the parish of East Baton Rouge aforesaid, of which he he took the titles in his own name.

Your oratrix and orators further represent that since the death of the

said Moses Hooke, in the year 1821, various large sums of money, the income of the property inherited by your oratrix and orators from the the said Moses, and to the amount of thirty thousand dollars, came into the hands of their said mother, Harriet, and were by her entrusted to the said Frederick, arising from the sales of the cotton crops raised on the estates of your oratrix and orators, and sold in New Orleans, and for which the said Frederick was accountable to your oratrix and orators; but of which he never gave any account, or made any settlement or payment; and for the repayment of which sums of money, so received by him in New Orleans, as aforesaid, your oratrix and orators have a legal mortgage on the estate of the said Frederick; which is of the highest rank and of a dignity prior to all other claims and demands against his estate.

Your oratrix and orators further represent that John Linton, merchant, a citizen of the State of Louisiana, residing in New Orleans, well knowing the premises, made application to the court of probates for the said parish of East Baton Rouge, and has been appointed curator of the estate of the said Frederick, and has taken possession thereof, and now holds the same, being of the value of one hundred and fifty thousand dollars.

And he gives out and pretends that he holds a mortgage on the said plantation, situated in the parish of East Baton Rouge aforesaid, called the Arlington plantation, of a dignity and rank superior to the aforesaid legal mortgage of your oratrix and orators, who, he pretends have no mortgage thereon. And he, the said John Linton, as your oratrix and orators are informed and believe, is about to foreclose his said mortgage, sell the estate and property of the said Frederick, particularly the aforesaid Arlington plantation, and the negroes thereon, to the prejudice of the just claims and legal mortgage of your oratrix and orators, with a view of depriving them of their privilege, lien, and mortgage thereon.

And the said John Linton pretends that his mortgage is valid, and that the mortgage and claims aforesaid of your oratrix and orators, cannot prevail against him: whereas your oratrix and orators charge and aver that the said mortgage of the said John Linton is null and void, and should be set aside and postponed to the just claims and demands of your oratrix and orators.

Furthermore, your oratrix and orators represent that the said John Linton hath received the rents and profits of the estate and plantation of the said Frederick, and has sold a large crop of sugar thereon, raised during the last year, amounting together to the sum of twenty thousand dollars; and he pretends that he has a claim and lien thereon for advances, and refuses to discover and declare to your oratrix and orators the nature and amount of his lien, claim, and advances, and to exhibit and discover his mortgage, which he pretends to hold on the said Arlington plantation.

Your oratrix and orators further charge and represent that the said John Linton has in his custody, charge, possession, or control, all the books of accounts, documents papers, titles, receipts, bills, and vouchers of the said Frederick, which are necessary to establish the moneys received by him, and the amounts due your oratrix and orators for the incomes of the said estates, and to show when, how, where, and to whom the cotton crops were sold; but to exhibit and discover which the said John Linton hath refused.

Your oratrix and orators also charge, that the said John Linton was the factor and agent of the said Frederick, and sold, on commission, for him, the the crops of cotton aforesaid, received from the estates aforesaid, during the life of the said Frederick, well knowing, at the same time when the same had been raised, to whom the same belonged, and for what purpose the

same came into the hands of the said Frederick; and yet the said John Linton applied the same to the payment of the private debts of the said Frederick, and to improve the said Arlington plantation, to the prejudice of your oratrix and orators.

All which actings, and doings, and pretences, are contrary to equity and good conscience, and tend to the manifest wrong and injury of your oratrix and orators in the premises.

In tender consideration whereof, and for as much as your oratrix and orators are remediless in the premises, at and by the strict and direct rules of the common law, and cannot have adequate relief save in a court of equity, where matters of this and the like nature are properly cognizable and relievable; to the end therefore that the said John Linton may full, true, direct, and perfect answer make, upon oath, according to the best of his knowledge, information, and belief, to all and singular the charges and matters aforesaid, as fully in every respect as if the same were here again repeated and he thereunto particularly interrogated; and more especially that he may set forth and discover, according to the best of his knowledge, what the rents and profits were which the said Frederick received out of the estates aforesaid, and what was the amount of the sales of the crops thereof sold by him in New Orleans, and how the proceeds were paid over by him, the said John Linton, to him the said Frederick, and for what purpose, and at what time, and what balance is now due your oratrix and orators for the incomes of the said estate; and what property was purchased by the incomes of the estates of your oratrix and orators, and by those of the said Harriet; and for what consideration the said John Linton received the said mortgage on the said Arlington plantation, and how much is due thereon, and what sums were paid him on account thereof by the said Frederick during his lifetime.

May it please your honor to grant unto your oratrix and orators the proper process of your honorable court, directed to the said John Linton, to be and appear before your honorable court, within the usual delay, and a full and perfect discovery to make of the premises, and then and there to answer all and singular the premises aforesaid.

And your oratrix and orators further pray, that they may recover the amounts aforesaid of moneys received by the said Frederick, to wit, the sum of one hundred and fifteen thousand dollars, to be paid as a privileged debt, having a legal mortgage on the real estate, plantation, and slaves aforesaid, left by the said Frederick, and now held and detained by the said John Linton, as curator of his estate.

And that the mortgage of the said John Linton may be declared to be annulled and avoided, and postponed to the payment of the sums aforesaid due to your oratrix and orators.

And that your oratrix and orators may be declared to be the true and only legal owners of the said Arlington plantation; and your oratrix and orators pray for all such other and further relief as the nature of the case may require, and to equity and justice may appertain, with costs.

And as in duty bound will ever pray.

ALFRED HENNEN, *of Counsel.*

The within named John F. Carmichael is hereby appointed curator ad lites, to represent the within named Harriet E. Hooke, William B. Hooke, and Moses J. Hooke, in the present bill.

(Signed) SAMUEL H. HARPER, *Judge U. S.*

*Document A, referred to in bill.*

This indenture, made this fifth day of September, in the year of our Lord one thousand eight hundred and twenty-six, between Frederick Avery Browder, of the parish of West Feliciana, State of Louisiana, party of the first part, and Harriet Butler, widow of Moses Hooke, of the county of Wilkinson, State of Mississippi, party of the second part, witnesseth that whereas it is the intention of the said Frederick and of the said Harriet to intermarry, and it is further the intention of the said parties, after said intermarriage, to reside in the State of Mississippi; and whereas each of the said parties is possessed of considerable estate and property, viz., the said Frederick of plantations, lands, houses, and lots, slaves, and the horses, stock of cattle, implements of husbandry appertaining to and in use thereon, all of which is now in the State of Louisiana, and the said Harriet is possessed of plantations, slaves, and of certain undivided rights, interests, and claims, of and in certain plantations and slaves, and the horses, stock of cattle, and implements of farming appertaining to and in use thereon; all of which is situated in the State of Mississippi; and it is the intention of said parties, that each party shall remain owner and proprietor of the lands, plantations, lots, and houses, slaves, horses, stock of cattle, implements of farming, and appertaining to the same, with the limitations hereinafter mentioned; and it is considered just and equitable that a settlement, or contract of marriage, be made relative thereto, on the following principles: First That the plantations, lands, lots and houses, and slaves, belonging to the said Frederick, shall be and remain exclusively his property; and also the horses, stock of cattle, implements of farming appertaining to and now in use on said plantations, as they now are, or such as said horses, cattle and implements, shall be found to be at the dissolution of her marriage, and also all the increase by birth of said slaves, shall be and remain the property of said Frederick and his heirs, and not subject to any murital rights on the part of the said Harriet, except such as may incidentally arise under the third article of the contract. Secondly. That the lands, plantations, and slaves, now belonging to the said Harriet, and her undivided interest therein, and the same when divided, any increase of said slaves by birth, and also the horses, cattle, implements of husbandry, household furniture and plate, now appertaining to and in use on the several plantations, or in the personal use of the said Harriet, and such as there shall be found to be appertaining and in use at the dissolution of said marriage, shall be settled upon and secured to the said Harriet and her heirs, and not subject to the murital rights of the said Frederick as regards the right of property therein, except, nevertheless, that the said Frederick shall, during the marriage, have management and control of the said plantations, slaves, &c.; and that the said Frederick, or his heirs, shall not be accountable to the said Harriet, or her heirs, for any part or portion of the annual income or profit of the said land and slaves: it being supposed and intended that any surplus that may exist, after the necessary family disbursements, will be appropriated in the acquisition of property during the marriage. Thirdly. That as to any other property of the parties excepted, as above described, and as to any property acquired during the marriage, the ownership of the same, and the murital rights of the parties therein, and the distributions thereof, at the dissolution of the marriage, shall follow and be made according to the law of the State where the same shall be possessed, viz., if lands, negroes, or personal property, and the same be owned and

possessed in Louisiana, then according to the laws of Louisiana; and if the like owned and possessed in Mississippi, according to the laws of Mississippi. And it is further agreed and understood between the parties aforesaid, that any property but personal or mixed, that the said party of the second part may inherit, by will, deed, or gift, or in any other manner, from his mother, or any other person whatever, shall be secured to her and his heirs, according to the terms expressed and agreed to under the second of agreement.

Now, therefore, this indenture witnesseth, that, in order to carry into effect their said intentions, the parties aforesaid, for themselves, their heirs, executors and administrators, covenant, grant, promise, and agree to and with each other, and with the heirs, executors, and administrators of each other respectively, that the terms, conditions, and agreements aforesaid, do and shall constitute the terms, conditions, and agreements of their marriage contract, and the party of the first part for himself, his heirs, executors and administrators, covenants, grants, promises, and agrees, to and with the party of the second part, his heirs, executors and administrators, that the party of the second shall be and remain the owner of all the property aforesaid, now belonging to and owned by her, except that as aforesaid, the same shall be managed and controlled by the said Frederick, for the common benefit; and after her decease, her heirs or legatees shall take, use, possess, and enjoy the same, without any molestation or trouble on his or their part; and that in case the party of the second part survive the party of the first part, the party of the second part shall be left and be entitled to receive, at the decease of the party of the first part, all and singular the property aforesaid, to and for the use of his heirs for ever, over and above any claims or rights that may arise under the third head of agreement. And it is further covenanted and agreed by and on the part of the party of the first, that the party of the second part shall have and retain the power of making a last will and testament in due form of law, and of disposing of all, or any part or portion of the property, thus settled and secured to her, or that she may be otherwise entitled to, and in favor of any person or persons she shall see fit, during and notwithstanding her covenanture, in the same manner as if she had remained sole and discovent.

And the parties aforesaid, for themselves, their and each of their heirs, executors, and administrators, mutually covenant, grant, promise, and agree, that if any part or portion of the said property so separately settled and owned by either of them, shall be sold or disposed of, the amount received for the price of the same shall be charged upon and be deducted from the acquisition made during the marriage at the dissolution thereof, and be replaced, and to and in favor of those heirs of the parties respectively who would have been entitled solely and exclusively to inherit or receive such property, had the same not been sold or disposed of.

Note.—Fifth page, first "his," interlined before signed.

In witness whereof, the said parties have hereunto affixed their hands and seals the day and year first above written.

(Signed) F. A. BROWDER,
HARRIET HOOK.

Signed, sealed, and delivered, in presence of
(Signed) MARY ANN MOORE,
SERENA DAPENPORT.

Whereupon the following subpœna issued from the clerk's office, to wit:

*The President of the United States, to the Marshal of the United States for the Eastern District of Louisiana, or to his lawful Deputy, greeting:*

You are hereby commanded to summons John Linton, curator of the estate of F. A. Browder, deceased, to appear in the district court of the United States, for the eastern district of Louisiana, to be holden in the city of New Orleans, on the third Monday of May, 1832, to answer a bill exhibited against him in the said court, by Harriet E., William B., Francis F., Richard B., and Moses J. Hooke, by John F. Carmichael, their curator ad lites, and this he shall in no wise omit under the penalty of———; and have you then and there this writ.

[SEAL.] Witness the honorable Samuel H. Harper, judge of our said court at the city of New Orleans, this 4th day of May, 1832, and in the 56th year of the independence of the United States.

BYRD B. WALLER, *Dep. Clk.*

*Marshal's return.*—Received 4th May, 1832: served personally on John Linton a copy hereof, and copy of bill, and returned this on the 7th day of May, 1832.

JOHN NICHOLSON, *U. S. Marshal.*

Afterwards, to wit, on the 7th day of May, A. D. 1832, into the said court came John Linton, curator of the estate of F. A. Browder, deceased, and by his solicitor, filed the following appearance, to wit:

SIR: Please to enter my appearance for the defendant, in the above cause.

Yours, respectfully,

L. PIERCE, *Solicitor for Def't.*

TO FRANKLIN LEA, Esq., *Clerk of the Court.*

Afterwards, to wit, on the sixth day of June, 1832, into the said court came John Linton, curator of the estate of F. A. Browder, deceased, and by his solicitor, L. Pierce, filed the following demurrer, to wit:

The demurrer of John Linton, curator of the estate of F. A. Browder, deceased, to the bill of complaint of Harriet E. Hooke and others, complainants. This defendant, by protestation, not confessing or acknowledging all or any of the matters or things in and by said bill set forth and complained of, to be true in manner and form as the same are hereby and herein set forth and alleged, saith he is advised by his counsel that the parties plaintiffs are not properly in court by their curator ad lites, John F. Carmichael, who is not a citizen or resident of this State, and by the laws of said State cannot be so appointed, and that no judgment rendered on said bill in this case would be binding and obligatory, in law or equity, upon the said plaintiffs.

And for further cause of demurrer this defendant saith that he is advised by counsel that there is no matter or thing in the said bill contained, good and sufficient in law, to call this defendant in question in the honorable court for the same, but that there is good cause of demurrer therein to and for causes, this defendant saith that the complainants' said bill, in case the allegations therein contained were true, which this defendant does in no

manner admit, contain not any matters of equity whereon can be based any decree, or on which this court can give the complainants any relief or assistance as against him, this defendant.

And for further cause of demurrer, as to so much of complainants' bill whereby the complainants do entitle themselves to, and do demand from this defendant, ($115,000,) one hundred and fifteen thousand dollars, as heirs of Moses Hooke and of Harriet Hooke.

This defendant shows that their are other heirs, being legitimate children of Moses Hooke, to wit, Mrs. Margaret Hooke, wife of Moses Shepherd, of the Parish of St. James, citizen of this State and herein residing, and that she is not made party, either complainant or defendant, of said bill, nor any reason assigned why she is not.

And for further cause of demurrer, as to so much of said bill as claims for complainants, as children and heirs of Mrs. Harriet Hooke, the whole of the plantation and slaves in Louisiana, the property of F. A. Browder, and claims the sum of one hundred and fifteen thousand dollars for the proceeds of the Woodstock and Salisbury plantations and slaves thereon, the one charged to be the exclusive property of Harriet Hooke, and the Salisbury as owned by her in common with them.

This defendant shows that there are other children and heirs of Mrs. Harriet Hooke, to wit, Jane Butler Browder, issue of the marriage between F. A. Browder and Harriet Hooke, nevertheless she is not made a party, either complainant or defendant, to said bill, nor any reason assigned why she is not.

And as to so much of said bill of complaint of the complainants as prays this honorable court that they may recover the sum of one hundred and fifteen thousand dollars, to be paid as a privileged debt, and as having a legal mortgage on the real estate, with the plantation and slaves left by F. A Browder, and charged to be now held and detained by him, John Linton, as a curator of his estate, and further praying that they may be declared to be the true and only legal owners of the Arlington plantation, this defendant further, and by protestation, not confessing or acknowledging any of the matters or things in the said bill contained, relating thereto, to be true as therein stated, do demur in law, and for cause of demurrer in this behalf, say and to the court here show that the said Browder was married three several times, to different wives, and that they, to wit, Sarah A. Collins, Isabella A. Henderson, and Harriet Hooke, all left issue by him, to wit: by Sarah Collins—Bartlett M. Browder, residing in Baton Rouge, and John J. Browder, in West Feliciana; by Isabella Henderson—Celia Ann Browder, and Elizabeth Browder, residing in Natchez, State of Mississippi; and by Mrs. Hooke, Jane Butler Browder, residing in Point Coupee; who all are interested in his property, owners thereof, and are the proper defendants, yet are not made complainants or defendants to said bill, nor any reason assigned why they are not.

And for further cause of demurrer, to so much of said bill as prays any judgment against this defendant, as curator of the estate of F. A. Browder, this defendant shows that he has been appointed curator of the estate of F. A Browder, by the court of probates for the parish of East Baton Rouge, in this State of Louisiana, and that, as such, and to account to said court for his entire administration, and to abide by the judgment of said court, in fixing the rank of the creditors among themselves, which, by the laws of said State of Louisiana, can only be done in said court in presence of all interested; this

defendant has entered into bond, with securities, to an amount exceeding the inventory of Browder's estate, conditioned so to account to said court, and to abide by such orders.

And that should this honorable court order such payment or delivery of property as prayed, or establish said privilege as prayed, would thereby subject this defendant to a forfeiture of his bond; the creditors and heirs of said Bowder not being parties, and not being bound, and the said court of probates having jurisdiction as aforesaid, and would subject him to the payment of the amount thereof, unless the complainants, being competent so to do, should dispense with such forfeiture or penalty, and raise the same in and by their said bill, which the complainants, by their said bill, have not done, nor offered to do.

And, therefore, now for divers other causes of demurrer in the said bill, appearing of the complainants own showing, these defendants do demur to the said bill, and demand the judgment of this honorable court, whether they ought to be compelled to make any other or further answer thereto, and humbly pray to be hence dismissed with their costs and charges, in this behalf most wrongfully sustained.

L. PIERCE, *for Defendant.*

Afterwards, to wit, on the 31st day of December, A. D. 1832, at a regular and stated session of said court, the following order of court was entered of record, to wit:

MONDAY, 31*st December*, 1832.

The court met, pursuant to adjournment: present honorable Samuel H. Harper.

H. E. HOOKE and others
*vs.*
JOHN LINTON, Curator, &c. } No. 3,158. *Demurrer and Plea.*

On this day, the parties, by their counsel, appeared before the court, and the trial of this case upon the demurrer and plea filed in the same, was commenced, and, after considerable progress made in the same, was continued to Wednesday next, at 10 o'clock, A. M.

Afterwards, to wit, on the 2d day of January, A. D. 1833, at a regular and stated session of said court, the following order of court was entered of record, to wit:

WEDNESDAY, 2*d January*, 1833.

The court met, pursuant to adjournment: present honorable Samuel H. Harper.

H. E. HOOKE and others
*vs.*
JOHN LINTON, Curator, &c. } No. 3,158. *Demurrer and Plea.*

The arguments of counsel having this day closed, the court took time to consider and examine the case.

Afterwards, to wit, on the 14th day of January, A. D. 1833, at a regular and stated session of said court, the following order of court was entered of record, to wit:

MONDAY, 14*th January*, 1833.

The court met, pursuant to adjournment: present honorable Samuel H. Harper.

H. E. Hooke and others
*vs.*
John Linton, Curator, &c. } No. 3,158.

The court having examined the demurrer argued on a previous day, doth now order, that the demurrer be sustained, and the plaintiffs' bill be dismissed.

Opinion of the Court.

The Heirs of Moses Hooke
*vs.*
John Linton, Curator of the estate of F. A. Browder, deceased.

This suit has been commenced by a bill on the equity side of the court, to which the defendant has demurred for divers causes; but it appears to me that only two of these causes of demurrer, to wit, the second and third, need be examined.

Under the second cause of demurrer, the defendant insists, that as the 16th section of the judicial act of 1789, expressly interdicts the courts of the United States from entertaining equity jurisdiction in cases "where plain, adequate, and complete remedy may be had at *law*," and as, by the laws of Louisiana, all the relief here sought can be obtained, the complainants' bill ought to be dismissed.

To this the complainants' counsel replied, in argument, that the word "*law*," in the 16th section, must be construed to mean "the common law," and by that law he has no redress in the premises. If that be the true construction of the word "law" as therein used, then Congress have closed the door upon all future legislation in the different States, by which *equitable* rights might be declared to be *legal* ones; so that whatever cases were not embraced by the *common law*, as it stood in 1789, must continue, through all time, to be cognizable only in courts of equity: and yet, at that very time, much of the common law had been altered, or abrogated in many of the States, by statute; and, therefore, Congress could not have had an allusion to the common law, as it then existed in England.

As it respects Louisiana, where the common law has not, nor never had existence, according to the construction contended for, every case would be one in equity; since it is manifest, that relief by the rules of the common law could never be obtained in a State where they are unknown.

I understand the word "law," in the section under consideration, to mean any law, whether common, civil or statute, that was then in existence, or which might thereafter exist in any of the States of the Union. The question then in this case is, do the laws of this State afford to the complainants an adequate remedy? Here it may be proper to remark, that, as the *civil law* is the basis of the system of jurisprudence in Louisiana, and as that is professedly founded on the principles of equity, it naturally embraces and provides for a much greater number of cases than any other known system of laws: yet, like all other human systems, it is imperfect, and cases may arise, to which the local laws are inapplicable, and which, of course, would be proper subjects for the equity side of this court. But, so complete is our system of laws, that this is believed to be the first suit instituted in this court, by an original bill in equity. The complainants, it is true, allege, in their bill, that they are "remediless in the premises, at and by the strict

and direct rules of the *common law.*" This is readily admitted, for the reasons already given; but they do not allege that they are remediless by the laws of this State. In the language of the Supreme Court, in the case of Smith vs. McIvor, 9 Wheaton, 534, "facts are alleged which have precisely the same operation in a court of law as in a court of equity, and the bill does not even insinuate that they cannot be proved at law." Indeed, in the argument on the demurrer, the complainants' counsel seemed to admit the competency of the state tribunals to take cognizance of this case, but contended that he had a right to choose his *forum.* Admitting that in a case of this kind, the court of the United States and the State courts have concurrent jurisdiction, it was said in the case of Smith vs. McIvor, that "in all cases of concurrent jurisdiction, the court which first has possesion of the subject, must decide it." The subject matter of this controversy is shown to be pending in the probate court of East Baton Rouge, from which an appeal lies direct to the Supreme Court of this state: therefore, according the principle just asserted, these courts must decide the cause.

The third cause of demurrer alleges that there are other heirs of Moses Hooke, who are interested in this suit, but who are not made parties to it, and proof of that fact is before me, and of course, I could be bound to direct that the bill should be amended so as to make these parties. One of these heirs is a Mrs. Shepherd, residing in Louisiana. The plea of the residence also of the defendant, and not being "an improper party" according to the decision of the case of Carneal vs. Banks, 10 Wheaton, the joinder of her name as plaintiff would *ipso facto* oust the jurisdiction of this court, for in that state of the pleadings, *all* the parties in interest would be incapable of maintaining the suit in this *forum.* Strawbridge vs. Curts, 3 Cranch, 267.

For these reasons I sustained the demurrer, and ordered the bill to be dismissed. The arguments were confined to the particular case, as to the *right* of the court to take jurisdiction on the equity side, and the foregoing opinion was hastily drawn up—delivered.

Recently, however, a similar case has been presented, in which the argument took a *wider* range, maintaining the position that in no case, consistently with the practice in the court of the United States in Louisiana, can a suit of this kind be sustained; and as that is a grave question, and vitally interesting to the people of this State, and as the complainants in this case are preparing to carry it up on appeal, their counsel has consented that I should add some observations on the new doctrine assumed, in order that the appellate court may be fully apprized of all the objections which have been made to this court entertaining jurisdiction, in any case, of an original bill in equity, according to the rules of practice adopted, in such case, by the Supreme Court of the United States, or by those of the high Court of Chancery in England. On the 26th of May, 1824, Congress made a law, entitled an "Act to Regulate the mode of Practice in the Courts of the United States for the District of Louisiana;" that act declares "that the mode of proceeding, in *civil causes*, in the courts of the United States that now are, or hereafter may be, established, in the State of Louisiana, shall be conformable to the laws directing the mode of practice in the district court of the said State."

That law then embraces all civil causes, and, of course, would include equity suits. It is known to all, that an original bill in equity is utterly unknown to the practice of the State courts of Louisiana. The law in

question, was made expressly to harmonize the practice of the United States court here, with that of the State tribunals, and to avoid the strange anomaly of two courts, sitting within a stone's cast of each other, administering the the same law, to the same class of citizens, by rules as dissimilar as light and darkness.

It is not denied that the written laws of Louisiana, and the practice under them, amply provide for the discovery of facts, upon oath, at the requirements of either party; they also provide remedies in actions of accounts of fraud, usury, deceit, and generally for all subjects which are alone cognizable in common law countries, in courts of equity.

This practice, then, Congress has given to the United States courts in Louisiana, and it *must be followed* according to the decision of the Supreme Court in the case of Parsons vs. Bedford et als., 3d Peters, 444, unless it should be repugnant to the acts of Congress, or not in conformity with the organization of the United States courts.

Now, I know no act of Congress which requires a court of the United States, sitting in Louisiana, to pursue the chancery practice; and if not, then there is no repugnance existing; consequently the State practice must prevail, unless it be found not to be in conformity with the organization of the United States courts.

The acts organizing the circuit courts of the United States declares that these courts, in certain specified cases, shall have original cognizance of suits of a civil nature, at common law, or in equity. The *right*, then, to entertain a suit in equity in a proper case, is given to all the circuit courts of the United States, but the *remedy* in the prosecution of a right secured by law, may be different in different States.

In Louisiana the *right* to an equitable decision is secured to suitors in her courts. Art. 21st of the Civil Code declares that, "in civil matters, when there is no express law, the judge is *bound* to proceed and decide according to equity. To decide equitably an appeal is to be made to natural law and reason, or received usages, where positive law is silent."

To attain these equitable decisions, the usages under the civil law afford the *remedy*, or in other words, the *practice*. All suits under that practice proceed on petition and answer, in which the parties are permitted to state their cause of action, or defence, in their own words and way, and according to the facts of the case, without being trammelled with the subtle niceties of the chancery practice, technically so called; and if a point should arise, on which the law is silent, the judge must resort to those acknowledged principles of natural law and reason, which must govern all chancellors, in whatever country they may preside; but the application of these principles does not necessarily depend on a particular set of rules of procedure.

In England, and in all of the United States, except Louisiana, a certain *formula* of procedure has been adopted for the purpose of conducting the courts to the proper decision of equitable rights; while in the Roman empire, from which we borrow our code of laws and practice, other modes were prescribed for the attainment of the same end; and the national Legislature, in strict justice to the people of Louisiana has said to the federal judges sitting there, you must administer equity when the case requires it, but it must be done according to the *State practice*. The position I have attempted to maintain, is not that the United States court here, is deprived of any of the equity power conferred on other judges of the United States, but that its *exercise* is to be in conformity with the course of proceeding established in the State courts, in similar cases.

The act of Congress of the 19th May, 1828, I think fully confirms this view of the subject.

That act was made for the purpose of putting the new States of the Union which have been adopted since the 29th September, 1789, on the same footing with the original States in respect to the mode of practice, both in case of common law and in equity, which is to be derived from the highest court of common law or of chancery in the particular State.

But Louisiana is expressly excepted from the provisions of that law, for two reasons:

1st. There is no State court in Louisiana, which has a chancery practice, in the technical sense of the word; and

2dly. Because Congress had already prescribed the practice there, by the act of 1824. Since that enactment the doctrine laid down in Robeson vs. Campbell, 3d Wheaton, 212, that "the remedies in the courts of the United States are to be at common law or in equity, not according to the practice of the State courts, but according to the principles of the common law and equity, as distinguished and defined in England," cannot apply to the State of Louisiana, without a total disregard of the law made in her favor.

*Upon the trial of the cause the following testimony was taken down in open court, on the 31st day of December, A. D.* 1832:

Wm. Brand, sworn, says Harriet Hooke had one child by F. A. Browder after their intermarriage; it was a daughter, named Jane, now 4 or 5 years of age. It was 4 or 5 days ago at Point Coupee. He knows Moses Shepherd, of the parish of St. James. Dr. Carmichael has driven this child, Jane, off, and declared it not to be the child of Browder. He is intimate with the family, and knows the child to be the child of Browder. Says he does not intend to say Dr. Carmichael disputed the legitimacy of the child, but the quality of inheriting any part of the estate of F. Browder under the laws of Mississippi. Moses Shepherd, of parish , is married to Margaret Hooke; Margaret Hooke is the eldest daughter of Harriet Hooke, by Moses Hooke.

Mr. Browder had been twice married before he married Mrs. Hooke; he does not know the christian names of his former wives: he married Miss Collins, daughter of Colonel Collins, of Bayore Sarah. The other wife was Miss Henderson, of Natchez. By Miss Collins he had two sons, one of whom is of age; their names are Bartlett Milton Browder and John J. Browder. He had two daughters by Isabella Henderson, one called Eliza, and the other Elizabeth Browder. The two Browders (the boys) are living in this State; the two girls reside in Mississippi. Mrs. Margaret Hooke lives in the parish St. James, Louisiana.

P. K. Lawrence, sworn: He knows a son of Mr. Browder's; he formerly resided at West Feliciana, and now lives at Placquemine. He was appointed the attorney of the absent heirs of Browder by the court of probates for the parish of East Baton Rouge. The duties were principally discharged by his associate. He is the attorney of Mrs. Fulton, having a privileged claim upon the Arlington plantation.

Upon the trial of this cause a Transcript of Record from the Court of Probates for the Parish of East Baton Rouge was filed in evidence, and is in the words following, to wit:

*(Extracts from summary proceedings.)*

March 3d, 1831. F. A. Browder's succession, No. 257.

Information having been given to the court of the death of F. A. Browder, a resident of this parish, it is therefore ordered that the seals be affixed on his property according to law.

(Signed) CH. TESSIER, *P. J.*

March 12th, 1831. F. A. Browder's succession, No. 257.

It appearing to the court that there are effects belonging to the succession of the deceased, F. A. Browder, in this parish, ordered that an inventory and appraisement be made of the same on Monday next. Ordered that Messrs. Lawrence and Ogden be appointed attorneys for absent heirs.

(Signed) CHAS. TESSIER, *P. J.*

*Petition for letters of administration.*

To the honorable the Judge of the Parish of East Baton Rouge and State of Louisiana, and ex officio Judge of the Court of Probates in and for said parish:

The petition of John Linton, residing in the city and parish of New Orleans leans and State aforesaid, respectfully shows:

That Frederick A. Browder, late a resident of the parish of East Baton Rouge aforesaid, has departed this life intestate, and leaving a succession, situated in the said parish of East Baton Rouge, and in the parishes of East and West Feliciana. That at the time of the decease of the said Browder he was largely indebted to your petitioner and his late partner, James C. Wilkins, in their copartnership capacity, under the firm and name of Wilkins and Linton, in the sum of about $25,000, exclusive of interest, secured by privilege and mortgage on the immoveable property and slaves of said succession, situated in said parish of East Baton Rouge, which has been duly recorded in said parish. That the other creditors have solicited this petitioner to administer said succession, and to proceed and do the same with as little delay as possible. Your petitioner therefore prays that his petition be filed requiring the administration of said succession, that due and legal notice be given of the application, and that letters of administration be granted to this petitioner conformable to law and as the circumstances of the case may require. And your petitioner prays that in the mean time all proceedings respecting such succession be suspended, and that the property of said succession, of a good and faithful special administrator, and be appointed to administer said succession.

(Signed) LOBDELL, *Attorney for Pet'r.*

*Endorsed*—Court of probates, parish of East Baton Rouge.

In the matter of the succession of F. A. Browder, No. 257, petition for letters of administration, filed 14th March, 1831.

(Signed) A. WINTHROP, *Clk.*

Let the petitioner be appointed administrator of the estate of the late F. A. Browder, deceased, on his giving security according to law. March 31st, 1831.

(Signed) CHAS. TESSIER, *P. J.*

To the honorable the Judge of the Parish of East Baton Rouge and State of Louisiana, and ex officio Judge of the Court of Probates in and for said parish:

The petition of John Linton, residing in the city and parish of New Orleans and State aforesaid, respectfully shows:

That from the proces verbal of the facts and evidences taken by your honor in the premises, and from all the information that can be obtained, Frederick A. Browder, lately residing in this parish, has departed this life leaving a succession, the property of which is situated in this parish and in the parishes of East and West Feliciana in this State, and also in the State of Mississippi. That such succession is opened by law in this parish, and in conformity with the powers and duties vested in the judge of this court, your honor did affix the seals on the effects of said succession, in conformity with law. That afterwards an inventory of the property of said succession, situated in this parish, as well the separate property of said Browder and his late wife, found on the premises, and in the possession of the overseer of said deceased, on his plantation, as also the community property that lately existed between the said Browder and his late deceased wife, was taken in conformity to law; wherein Abner N. Ogden, esq., appeared and attended as attorney of and for and in behalf of the absent heirs, and Morgan *and Morgan*, esq., appeared as counsel for the minors, Milton and John Browder, heirs residing within this State. And your petitioner further shows that the heirs residing within this State are minors, and not capable of administering said succession, and their curators have claimed no such administration. That your petitioner is one of the largest creditors of said succession, which is evidence by a special mortgage on the immoveable property and slaves of said succession, situated in this parish. That your petitioner, as said creditor, claimed the right to administer such succession, which has been granted; and your petitioner has been duly and legally appointed, accepted, and qualified administrator of said succession, and has given the security required by law. That commissions have not yet issued to the judges of the parishes of East and West Feliciana, authorizing them to make the inventory of the property situated within their respective jurisdictions belonging to said succession, in conformity with law. Your petitioner, therefore, prays that your honor address commissions to the judges of the parishes of East and West Feliciana, authorizing them to make the inventories of the property situated within their respective jurisdictions, in conformity with law.

(Signed) LOBDELL, *Attorney to Pet'r.*

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge.

In the matter of the succession of Frederick A. Browder, petition for inventories in the parishes of East and West Feliciana, filed 7th April, 1831.

(Signed) JOHN WINTHROP, *Dep. Clerk.*

*April 7th*, 1831. On reading and filing the petition of John Linton, administrator of the estate of Frederick A. Browder, esq., deceased, ordered, that a commission issue to the honorable J. B. Dawson, parish judge of West Feliciana, to take an inventory and estimation of the property of the deceased, in said parish, and make a return of the same into this court. Ordered, that a commission issue to honorable Thomas W. Scott, parish judge of the parish of East Feliciana, to take an inventory and estimation of the property belonging to the said succession, situated in his parish, and make a return of the same into this court.

(Signed) C. TESSIER, *P. J.*

*To the honorable the Court of Probates in and for the parish of East Baton Rouge.*

The petition of Margaret Hooke, the wife of Charles Moses Shepherd, by him duly authorized, both residing in the parish of St. James, respectfully showeth:

That your petitioner is one of the children and heirs of Harriet Butler and Moses Hooke, both deceased, in the State of Mississippi, possessed of a plantation, with a quantity of slaves thereon, known by the name of Woodstock plantation. That after the death of Moses Hooke, Harriet Butler, his widow, married Frederick Avery Browder, now also deceased; that during the latter marriage Bowder bought another plantation, situated in this parish and known by the name of the Arlington plantation, to which place he has removed the following objects from the Woodstock plantation, which belong to the latter and are now on the said Arlington plantation, to wit: 12 negroes, named Claiborne, Big David, Henry Mercer, David, Sam, Isaac, Dick, Kelty, Nancy, Judy, and Eliza, which were removed thither on the 15th November, 1828; 18 yoke of oxen and 6 ox yokes, carried thither in 1829; 18 cows and calves, 32 sheep, 20 hogs, 16 geese, 1 wagon, 3 stocks cherry sawed into scantling, all of which latter objects were carried to the Arlington place in the year 1830; all which facts your petitioner is ready to prove to the satisfaction of this honorable court. And your petitioner further showeth, that, since the death of Frederick Avery Browder, John Linton, residing at New Orleans, has been appointed by this honorable court administrator of the succession within the State. That your petitioner has requested the said administrator to send back and restore to the Woodstock plantation the above enumerated objects belonging to the same, or so much as still exists in kind on the Arlington place; but that the said administrator refuses so to do. Your petitioner therefore prays that the said John Linton, administrator, &c., be summoned to answer this petition, and that by the judgment to be rendered in the premises, it be ordered that the above enumerated objects, or so much thereof as are still existing in kind on the Arlington plantation, be restored and sent back to the Woodstock plantation, to which they belong, and that the costs of this application be paid by the said Browder's succession, and as in duty bound, &c.

(Signed) D. SEGHERS, *Counsel.*

Let the petition be served on the defendant, and let him show cause, within 25 days from the service thereof, why the prayer of said petition should not be granted. May 2d, 1831.

*Endorsed*—Parish of East Baton Rouge, court of probates, estate of F. A. Browder, deceased; Margaret Hooke, wife of C. M. Shepherd, *vs.* John Linton, administrator of said succession. Filed May 3d, 1831.

(Signed) J. WINTHROP, *Dep. Clk.*

Let the institution of this suit be notified to Messrs. Lawrence and Ogden, attorneys for the absent heirs of the late F. A. Browder, deceased, by serving a certified copy of this petition on said counsel. May 5th, 1831.

(Signed) C. TESSIER, *P. J.*

18 *August*, 1831. On motion of counsel for the plaintiff, it is ordered, adjudged, and decreed that he have leave to discontinue this suit, and that the defendant recover his costs, to be taxed.

(Signed) CHS. TESSIER, *P. J.*

*Extracts from the Minutes.*

At a session of the court of probates of the parish of East Baton Rouge, began and holden in and for said parish, on the third Monday of May, (being the 16th day of said May,) in the year of our Lord, 1831.

Present the honorable Chas. Tessier, judge.

FRIDAY, 10*th June*, 1831.

The court met, according to adjournment. F. A. Browder's succession. The opposition of the attorney of the absent heirs to the appointment of John Linton, as administrator of the succession of F. A. Browder, was taken up and argued by counsel; and, after hearing the law and evidence, the court is of opinion that the tutors and curators of the minor heirs ought to have been cited to accept or renounce the succession, before the appointment of said administrator. It is therefore ordered, adjudged, and decreed that the appointment of said Linton, as said administrator, be set aside, and that the curators and tutors of said minor heirs be cited to accept or renounce said succession, according to law.

(Signed) C. TESSIER, *P. J.*

*Supplemental petition to appt. Tutors.*

To the honorable the Judge of the parish of East Baton Rouge, and State of Louisiana, and ex officio Judge of the Court of Probates in and for said parish.

The supplementary petition of John Linton, a creditor of the succession of F. A. Browder, by leave of the court, first had and obtained, respectfully shows:

That B. Milton Browder, a minor, now absent from the State, but represented in the State by Benjamin Collins, of the parish of West Feliciana, his curator ad lites, and John Browder, at school at the Louisiana college, Jackson, represented by the same curator, are two of the children and heirs of F. A. Browder, deceased, by first marriage; that the two minor daughters by second marriage, to wit, Mary and Celia Ann, reside with their grandfather, John Henderson, at Natchez, Mississippi, are also heirs, but are now represented in this State by Chas. Watts, esq., their attorney in fact and attorney at law, residing in the city and parish of New Orleans; that the infant daughter of said deceased, by last marriage, and also an heir, resides with her brother-in-law, Mr. C. M. Shepherd, of the parish of St. James; that said minors are all and the only heirs of said Browder; that said heirs have not yet accepted or renounced the succession of their said father, and some of them have not the proper representatives appointed to make such acceptance or renunciation; that said Benjamin Collins will be a suitable and fit person to represent the said minors, B. Milton and John Browder; that said C. M. Shepherd would be a suitable and fit person to represent the infant daughter by last marriage, and said C. Watts is clothed with power and authority to repesent said two absent minor daughters by second marriage; and it will be necessary citations made.

Wherefore your petitioner prays that tutors be appointed to said minors, B. Milton and John Browder, and said infant daughter, for the purposes aforesaid, and that they, said tutors and attorney in fact, be cited to accept or renounce the succession of said Browder for and in behalf of said minors, according to law.

(Signed) LOBDELL, *Attorney for Petitioner.*

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge. In the matter of the succession of F. A. Browder. Supplemental petition to appoint tutors, filed June 10th, 1831.

(Signed) JOHN WINTHROP, *Dep. Clk.*

Let the prayer of the petitioner be granted. Let Benjamin Collins be appointed tutor ad hoc for B. Milton and John Browder. Let C. M. Shepherd be appointed tutor to the infant minor by last marriage, according to law. Let citations issue to said tutors, Benjamin Collins and C. M. Shepherd, and Charles Watts, said attorney in fact, to accept or renounce the succesion in behalf of the respective minors they represent, according to law. June 10th, 1831.

(Signed) CHS. TESSIER, *P. J.*

*Citations.*

THE STATE OF LOUISIANA, *Court of Probates, Parish of East Baton Rouge.*

To Mr. Charles Watts, attorney in fact and at law to Mary and Celia Ann, minor children of F. A. Browder, deceased, residing in the parish of Orleans:

You are hereby summoned to appear at the office of the sheriff of the parish of East Baton Rouge, and comply with the prayer of the annexed petition, or file your answer thereto in writing in the office of the clerk of the court of probates, at the town of Baton Rouge, in 25 days after the service hereof.

Witness the honorable Chs. Tessier, judge of the said court, the 18th June, in the year of our Lord 1831. In the matter of the succession of F. A. Browder, deceased, No. 257.

(Signed) JOHN WINTHROP, *Dep. Clk.*

*Endorsed*—Received June 25th, 1831, and served on the 27th of said month.

Copy of petition and citation on Charles Watts, esq., in person. Returned July 14th, 1831.

(Signed) J. H. HOLLAND,
*Dep. Sheriff of the Parish of Orleans.*

THE STATE OF LOUISIANA, *Court of Probates, Parish of East Baton Rouge.*

Mr. Benjamin Collins, tutor to B. Milton and John Browder, minor children of F. A. Browder, deceased, residing in the parish of West Feliciana:

You are hereby summoned to appear at the office of the sheriff of the parish of East Baton Rouge, and comply with the prayer of the annexed petition, or file your answer thereto in writing in the office of the clerk of the court of probates, at the town of Baton Rouge, in 25 days after the service hereof.

Witness the honorable Chas. Tessier, judge of said court, the 18th day of June, in the year of our Lord 1831. In the matter of the succession of F. A. Browder, deceased, 257.

(Signed) J. WINTHROP, *Dep. Clk.*

*Endorsed*—Served by delivering a copy of this citation, and a certified copy of plaintiff's petition to Benjamin Collins, tutor, &c., in St. Francisville, June 27, 1831.

(Signed) M. COURNEY,
*Sheriff of West Feliciana.*

Returned and filed 6th July, 1831.

(Signed) A. WINTHROP, *Clk.*

*Shepherd declining the appointment of Tutor ad hoc.*

GOLDEN GROVE, *July 6th*, 1831.

To the hon. CHAS. TESSIER, *East Baton Rouge.*

SIR: I received, a few days since, a commission from your honorable court, appointing me curator ad hoc to the infant Browder. In answer I have only to say, as the interest of Mrs. Shepherd and the Hookes are conflicting with that of the Browder, it is therefore out of my power to accept of the commission.

Resp., your obt. servt.,

(Signed) C. M. SHEPHERD.

*Endorsed*—To the honorable Chas. Tessier, Baton Rouge, Louisiana.

Let this letter be filed.

(Signed) CHS. TESSIER, *P. J.*

Filed July 14th, 1831.

A. WINTHROP, *Clk.*

*Petition for Sale.*

To the honorable Chas. Tessier, parish Judge and ex officio Judge of Probates, of the parish of East Baton Rouge:

The petition of Philip K. Lawrence and Abner N. Ogden of said parish, practising as attorneys at law under the firm of Lawrence and Ogden, and the duly appointed counsel of the absent heirs of the succession of F. A. Browder, deceased, with respect represents:

That there are moveables, effects belonging to said succession, in said parish, which are costly to keep and liable to perish and deteriorating by use, and that the interests of the heirs of said succession require that such objects should be immediately sold, and that the succession is at present unrepresented by either curator or administrator who could proceed to the sale according to law: that said perishable articles consist of a pair of carriage horses, articles of merchandise, such as broadcloths, calicoes, &c., household furniture, kitchen furniture, guns, &c., eleven hogsheads of sugar, parts of hogsheads and barrels of molasses, clothing, &c., all of which objects aforesaid your petitioners pray may be sold by order of your honorable court, after the usual advertisements according to law, for cash, for the benefit of said succession, and for the purpose of preventing the waste and loss which would be otherwise incurred.

(Signed) LAWRENCE & OGDEN,
*Attorneys for absent heirs of F. A. Browder*

*Endorsed*—Browder's succession, No. 257, Petition for sale, filed 17th June, 1831.

(Signed) A. WINTHROP, *Clk.*

On reading and filing the within petition, and the facts therein set forth being evident to the court, it is ordered that a sale take place of the objects herein mentioned, and all other perishable effects belonging to the succession of F. A. Browder, deceased, according to the prayer of the within petition.

(Signed) CHAS. TESSIER, *P. J.*

*June* 17, 1831.

It is further ordered that the sale be made on the plantation whereon the deceased resided, on the 30th instant.

(Signed) CHAS. TESSIER, *P. J.*

*Petition to annul the appointment of C. M. Shepherd.*

To the honorable the Judge of the Court of Probates in and for the parish of East Baton Rouge, and State of Louisiana.

The petition of John Linton, residing in the city and parish of New Orleans, a creditor of the succession of Frederick A. Browder, respectfully shows:

That C. M. Shepherd, of the parish of St. James, has been lately appointed tutor of the minor child of F. A. Browder, by the last marriage, on the petition and prayer of this petitioner; that said Shepherd, after receiving notice of said appointment, declined accepting and qualifying, on the grounds of his wife having an interest against the succession of said Browder which would be adverse to the rights of said minor, and therefore he could not legally represent all the interests of said minor in said succession.

Your petitioner prays that said appointment of said C. M. Shepherd, as said tutor, be annulled and set aside for the reasons aforesaid, or as having interests opposed to said minor; and that some suitable and proper person be appointed in the place of said Shepherd, as tutor ad hoc to represent said minor on the prayer of this petitioner, to accept or renounce said succession and other acts necessary to a liquidation of said succession, and your petitioner, &c.

(Signed) LOBDELL, *Attorney for Petitioner.*

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge. In the matter of the succession of F. A. Browder. Petition to annul the appointment of C. M. Shepherd, as tutor to the minor of last marriage, at his request and per cause, and to appoint another: filed June 29, 1831.

On reading and filing this petition, it is ordered that the appointment of C. M. Shepherd as tutor to Jane Browder, the minor daughter of the late F. A. Browder, deceased, be rescinded as having opposed interests in the succession of said deceased; and it is further ordered that J. L. Lobdell, esq., be appointed tutor ad hoc to said Jane Browder, for the purposes set forth in this petition.

*June* 30*th*, 1831.

*Answer of B. Collins, Tutor of the minors, B. Milton and John J. Browder.*

To the honorable the Judge of the Parish of East Baton Rouge, and State of Louisiana, and ex-officio Judge of the Court of Probates, in and for said parish:

The answer of Benjamin Collins, residing in the parish of West Feliciana,

and State aforesaid, tutor of the minors B. M. Browder and Jno. J. Browder, in behalf of said B. M. Browder, now absent from the State, and aiding and assisting the said minor, John J. Browder, present, to the answer of John Linton, a creditor of the succession of F. A. Browder, the father of said minors, calling on the said minors to accept or renounce the succession of their said father, and upon this respondent to show cause why letters of administration of said succession should not be conferred upon said Linton, respectfully shows:

That this respondent has caused to be summoned the relations and friends of said minors to appear before the judge of the parish of West Feliciana, for the purpose of being organized into a family meeting, to advise and direct this respondent respecting the accepting or renouncing said succession in behalf of said minors, and has also notified said minor, John J. Browder, to be present, and an under-tutor to assist him in the premises, and will accept or renounce said succesion in behalf of, and assisting said minors as soon as said family give their advice and directions.

And your respondent further answering, says, that whatever may be the directions of said family meeting, this respondent has no wish or desire to administer said succession, but fully approves of having the administration conferred upon said John Linton, who is one of the largest creditors, and your respondent, &c.

(Signed) B. COLLINS.

*Endorsed*—Court of probates, Parish of East Baton Rouge. In the matter of the succession of F. A Browder. Answer of B. Collins, tutor of the minors, B. Milton and John J. Browder, to J. Linton's application for administration, filed June 29, 1832.

*Petition of Tutor of minor daughter, by last marriage, for Family Meeting.*

To the honorable the Judge of the Court of Probates in and for the parish of East Baton Rouge, State of Louisiana.

The petition of John L. Lobdell, residing in the parish of West Feliciana, and State aforesaid, respectfully shows:

That this petitioner has lately been appointed tutor ad hoc for the minor daughter of Frederick A. Browder, deceased, for the purpose of accepting or renouncing the succession of the said Frederick A. Browder for and in behalf of said minor, and for other purposes; and this petitioner has accepted said trust, and been duly qualified as such tutor; that it will be necessary to have the assistance, advice and directions of the meeting of the relations and friends of said minor in the premises, before the petitioner can legally accept or renounce said succession.

Your petitioner therefore prays that a meeting of the relations and friends of said minor be convened before your honor, in conformity with law, for the purposes aforesaid, and to take into consideration any other matter or thing touching the interests of said minor, in the premises, as may be submitted to them, and your petitioner, &c.

[Signed] J. L. LOBDELL, *P. P.*

*Endorsed*—No. 257, court of probates, East Baton Rogue. In the matter of the succession of Frederick A. Browder, deceased. Petition of tutor of minor daughter, by last marriage, for family meeting, filed June 1st, 1832.

Let a family meeting, to be composed of Messrs. L. Bonnecase, Hte. Lanou, Benjamin Bryan, B. T. Beauregard, and C. Pierce, the friends in defect of relations of Jane Browder, a minor daughter, be convened at my office on the 14th instant, to give their advice respecting the acceptance or renunciation of the succession of said deceased, and to deliberate on such other matters as may be submitted to them touching the ; and let the petitioner, as tutor ad hoc to said minor, be notified to attend said meeting. July 1st, 1831.

(Signed) CHS. TESSIER, *P. J.*

*Notice.*

PROBATE COURT, *East Baton Rouge.*

To Leon Bonnecase, H. Lanaux, Benjamin Bryan, B. F. Beauregard, and C. Pierce:

You are hereby summoned to assist at a family meeting to be holden at the office of and before the honorable Chs. Tessier, parish judge, on Thursday, the 14th of July, at 10 o'clock A. M., to deliberate on the petition of John L. Lobdell.

By order of the court. A. WINTHROP, *Clk.*

*Endorsed*—257, served copies of the within summons on the within named persons, in person, this 5th July, 1831.

(Signed) JOHN BUHLER, *Sheriff.*

*Extract from Summary Proceedings, July 14th 1831.*

F. A. Browder's succession.

257. It appearing to the court that Leon Bonnecase, one of the members of the family meeting, ordered to be convened in this case, this day, is absent from the parish and cannot therefore attend, ordered, that John Reid be substituted in his place; and that Constantius Pierce, another member of said meeting, is prevented by indisposition from attending at said meeting, ordered that Dr. Alexander McConnell be substituted.

(Signed) C. TESSIER, *P. J.*

*Deliberations of Family Meeting.*

To the honorable the Judge of the Court of Probates in and for the parish of East Baton Rouge, State of Louisiana:

The petition of John L. Lobdell, tutor of Jane Browder, the minor daughter, by last marriage, of Frederick A. Browder, deceased, respectfully shows:

That a family meeting of the relations and friends of Jane Browder, has lately been convened before your honor in your capacity of notary public, for the purpose of advising and directing this petitioner to accept or renounce the succession of Frederick A. Browder, the father of said minor, and for other purposes, and said family meeting have advised and directed this petitioner to accept of said succession, under the benefit of inventory; and have also advised that the property of said succession be sold as soon as the forms of law will admit, on the following terms and conditions, viz.: the immoveable property and slaves on a credit of one, two, and

three years, the purchasers to give their obligations with approved security, payable at the office of discount and deposite of the Bank of Louisiana at Baton Rouge, in three equal annual instalments, drawing ten per cent. interest after due, until paid for; all the property situated in the parish of East Baton Rouge, and for all the property situated in the parishes of East and West Feliciana, at the office of discount and deposite of the Bank *of the Bank* of Louisiana; at St. Francisville, and also to give mortgage and confession of judgment on the immoveables and slaves purchased, to secure the payment of their respective purchases; the moveable property, all sums under $20 cash, and all over that sum on a credit of twelve months: purchasers giving their obligations, with like surety, for the amount of their respective purchases, payable in like manner at said office of discount and deposite, and drawing the like interest after due, until paid; and they have also approved the sale of the perishable property, which was made by your honor on the 30th day of June last, (1831,) all which will more particularly and at large appear by a copy of the proces verbal of the deliberations of said family meeting hereto annexed.

Your petitioner therefore prays that said copy of said proces verbal be filed and homologated according to law. And that your petitioners be authorized to accept of said succession, in conformity with said advice and direction, and to act in other respects in accordance thereto, and your petitioner, &c.

(Signed) JOHN L. LOBDELL,
*Tutor of the minor, Jane Browder.*

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge.

In the matter of succession of Frederick A. Browder, petition and copy of proces verbal of deliberation of family meeting in behalf of the minor, Jane Browder.

*Family Meeting to accept the succession, &c.*

STATE OF LOUISANA, *Parish of East Baton Rouge.*

On this 14th of July, 1831, by virtue of an order of the court of probates in and for this parish, I, Chs. Tessier, judge of said parish, do convene at my office, in the town of Baton Rouge, the following persons, to wit, John Reid, Alexander E. McConnell, B. Bryan, B. T. Beauregard, and Hte. Lanure, to compose a family meeting at the request of J. L. Lobdell, esq., tutor for the minor daughter of F. A. Browder, late of this parish, deceased, for the purpose of accepting or renouncing the succession of said deceased, and to deliberate on such other matters as may be submitted to them touching the premises.

When I, the said judge, after having administered to the members of said meeting the oath provided for by law, submitted the subject to their consideration as well as the propriety of authorizing said tutor, if necessary, to consent to a sale of the property of said succession, and also to approve or disapprove the sale of the perishable property of said succession which took place on the 30th June last, the said members of the family meeting after discussing the subjects submitted to their consideration, and consulting the interest of said minor, Jane Browder, were unanimously of opinion that said tutor should accept of the said succession, in the name and for and in behalf of said minor, Jane Browder, with the benefit of inventory; that he be authorized to consent to the sale of the immoveables and slaves of said

succession on a credit of 1, 2, and 3 years, payable in equal yearly instalments, purchasers giving their obligations with approved security, drawing ten per cent. interest after due, until paid; payable at the office of discount and deposite of the Bank of Louisiana, at Baton Rouge, for all the property situated in East Baton Rouge, and at the office of discount and deposite of the Bank of Louisiana, at St. Francisville, for all property situated in the parish of East and West Feliciana; purchasers to give also confession of judgment on the immoveables and slaves; and the moveable property for all sums under $20 cash, and all sums over $20 in twelve months; purchasers to give their obligation, with like security, payable at said office of discount and deposite, and drawing the like interest after due, until paid; and the said family meeting, on reflection, considered that the sale of perishable property made as aforesaid, on the 20th of June last, was proper and beneficial to the succession. And nothing else being submitted, I have dissolved the meeting, and have hereto set my hand with said members, the day and year first above-written.

(Signed) JOHN REID,
ALEXANDER E. McCONNELL,
B. BRYAN,
B. F. BEUREGARD,
HTE. LAURIE.
CHAS. TESSIER, *P. J.*

I certify the foregoing to be a true copy from the original on file in my office.

In witness whereof I have hereunto set my hand and seal at Baton Rouge, this 14th day of July, 1831.

(Signed) CHS. TESSIER, *P. J.* [SEAL.]

*Endorsed*—Filed 14th July, 1831.

Let the prayer of the petitioner be granted; and the proceedings being in conformity with law and the justice of the case, the proceeding of said family meeting are hereby homologated, and the said tutor, John L. Lobdell, is authorized to accept the succession of Frederick A. Browder, under the benefit of inventory for and in behalf of the minor daughter, Jane Browder; and he is further authorized to consent to a sale of the immoveables and slaves of said succession on a term of credit of one, two, and three years, drawing ten per cent. after due, until paid, payable in equal annual instalments; the purchasers giving their obligations, with approved security, payable at the office of discount and deposite of the Bank of Louisiana, at Baton Rouge, for all the property situated in the parish of East Baton Rouge; and at the office of discount and deposite of the Bank of Louisiana at St. Francisville, for all the property situated in the parishes of East and West Feliciana; with mortgage and confession of judgment on the immoveables and slaves, and the moveable property; all sums under $20,00 cash, and all sums over $20 the purchasers to give their obligations, with like security, payable at said offices of discount and deposite, and drawing the like interest after due, until paid. July 14th, 1831.

(Signed) CHS. TESSIER, *P. J.*

Filed, July 14th, 1831.

*Petition of Benjamin Collins, Tutor, and copies of Family Meeting and account of acceptance of succession.*

To the honorable the Court of Probates, in and for the parish of West Feliciana and State of Louisiana.

The petition of Benjamin Collins, residing in the parish and State aforesaid, and lately appointed tutor to the minors, B. Milton Browder and John J. Browder, for the purpose of settling the succession of their late father, and respectfully shows:

That this respondent has been lately cited by John Linton, a creditor of the succession of said Browder, to accept or renounce the said succession for and aiding and assisting the said minors, that it will be necessary to act in the premises, by and with the advice and directions of a family meeting of the friends and relations of said minors.

That Augustin Brougeret, of the parish of Point Coupee, and Wm. Garret Johnson, of this place, the natural uncles of the said minors, are the only relations, within the jurisdiction of this court, who are qualified to act in family meeting.

That John Sterling, Abner Shuler, and M. Nubling, are friends of the family qualified to act; that B. M. Browder is absent from the State, and J. J. Browder is at school, at Jackson college; that it will be necessary to have an under tutor appointed for said minors, to assist at said family meeting.

Your petitioners therefore pray that said individuals be summoned and duly convened into a family meeting of said friends and relations, for the purpose aforesaid, with all convenient despatch; that said minor, John J. Browder, be notified to attend and assist at said family meeting, and for all such further and other proceeding as the circumstances of the case requires, and your petitioner, &c.

B. COLLINS.

We accept service, June 27th, 1831.

JAMES M. BRADFORD,
WILLIAM LEAKE,
M. NUBLING,
JNO. STERLING,
JAMES FAIR.
CHARLES S. LOBDELL, *Under-tutor.*

Petition of tutor to convene a family meeting, and for appointment of under-tutor, filed June 27th, 1831.

JOHN B. DAWSON, *Parish Judge.*

Let the prayer of the petitioner be granted. Let A. Bourgeret, of the parish of Point Coupee, and Wm. Garret Johnson, John Sterling, Abner Shouler, and M. Nubling, of this parish, be summoned, as friends and relations, to compose said family meeting, and let them be convened before me at my office, on the day of , 1831. Let Charles S. Lobdell, the under-tutor, to assist said minors at said family meeting. Let John J. Browder and said under-tutor be notified to attend, June 27th, 1831.

J. B. DAWSON, *Parish Judge.*

STATE OF LOUISIANA, *Parish of West Feliciana.*

I hereby certify that the foregoing is a true copy of the petition of the

under-tutor in the matter of the succession of Frederick Browder, deceased, &c., &c., &c., as now in file for record in my office.

Given under my hand and seal official, this 12th July, 1831.

(Signed) J. B. DAWSON, *P. J.*
*And ex officio, Not. Pub. in and for said.*

STATE OF LOUISIANA, *Parish of West Feliciana.*

Be it remembered that, on this 2d day of July, 1830, I, John B. Dawson, parish judge and ex officio notary public in and for said, have, pursuant to an order of the court of probates for said parish, attended at my office for the purpose of holding a family meeting, to deliberate on matters touching the interest of the minor children of Frederick Browder, deceased, to wit, B. Milton and John Browder; and for that purpose I have summoned the following named persons as members of said family meeting, there being no relations in this parish, except Wm. Garrett Johnson, uncle by marriage, to wit, John Sterling, M. Nubling, James M. Bradford, Wm. Lake, James Fair, and Charles S. Lobdell, under-tutor.

The members mentioned in the petition praying for this meeting have been notified, as the law directs, but have failed to attend.

And they are now all present, and have taken an oath on the Holy Bible, that they would justly and impartially discharge and perform the duties incumbent on them as such, to the best of their skill and judgment; and the petition calling for this family meeting being read, it became the duty of this family meeting to decide whether it would be of advantage to said minor children of Frederick Browder, deceased, to accept of his succession, with the benefit of inventory, through their tutor, Benjamin Collins, esq., and they are of opinion, that Benjamin Collins, tutor of said minors, should be directed to accept of said succession of Frederick Browder, deceased, for and in behalf of his said minor children, B. Milton and John F. Browder, with the benefit of inventory, and Charles S. Lobdell, under-tutor, approves of their decision. In proof of all which the parties hereunto set their hands, in presence of John B. Dawson, parish judge, and ex officio notary public as aforesaid, and in presence of J. A. Dutch and James Madison, who sign as witnesses.

JAMES STERLING,
JAMES M. BRADFORD,
WM. LEAKE,
M. NUBLING,
JAMES FAIR,
CHARLES S. LOBDELL, *Under-tutor.*
JOHN B. BROWDER.
*Present* B. COLLINS, *Tutor.*

Witness: J. A. DUTCH,
J. MADISON.

JOHN B. DAWSON, *Parish Judge.*

STATE OF LOUISIANA, *Parish of West Feliciana.*

I hereby certify, that the foregoing is a true copy of the original family meeting, as now on file for record in my office.

Given under my hand and seal official, the 12th day of July, 1831.

(Signed) JOHN B. DAWSON, *Par. Judge.* [SEAL]

*Petition to homologate proceedings of Family Meeting, in the case of the minors, B. M. and J. J. Browder.*

To the honorable John B. Dawson, Judge of the parish of West Feliciana, State of Louisiana, and ex officio Judge of the Court of Probates, in and for the same.

The petition of B. Collins, tutor to the minors, B. Milton Browder and John J. Browder, residing in the parish and State aforesaid, respectfully shows:

That a family meeting, composed of the friends of said minors, was held at the office of your honor, on the day of June, 1831, according to law; and said meeting the said friends aforesaid did recommend that your petitioner, as tutor to said minors, should accept for them, the said B. M. Browder and John J. Browder, the succession of their father, Frederick A. Browder, deceased, with the benefit of inventory, as will appear by the copy of the proces verbal of the deliberations of said family meeting, hereto annexed.

Your petitioner therefore prays that Charles S. Lobdell, the under-tutor to said minors, be cited to show cause, if any he has, why said proceedings should not be homolagated; that the proceedings of said family meeting be homologated according to law, and that this petitioner be admitted to make the act of acceptance of said succession for said minors, in conformity with law, and your petitioner, &c.

(Signed) B. COLLINS, *Tutor.*

STATE OF LOUISIANA, *Parish of West Feliciana.*

I hereby certify that the foregoing is a true copy of the original, now on file in my office.

Given under my hand and seal official, this 13th July, 1831.

(Signed) J. B. DAWSON, *Par. Judge.* [SEAL.]

COURT OF PROBATES, *Parish of West Feliciana.*

In the matter of the succession of Frederick A. Browder. Let the prayer of the petitioner be granted; and it appearing from the answer of Charles S. Lobdell, under-tutor for said minors, that he has no objection to the homologation of said proceeding, and that the same is in conformity with law, it is ordered that the proceedings be homologated and signed, and that B. Collins, the tutor to said minors, be and he is authorized to accept the succession of said Frederick A. Browder, under the benefit of inventory, for and in behalf of said minors, according to law. July 13, 1831.

(Signed) J. B. DAWSON, *Parish Judge.*

*Answer of Charles S. Lobdell, Under-tutor.*

To the hon. the Judge of the Court of Probates, in and for the parish of West Feliciana, and State of Louisiana.

The answer of Charles S. Lobdell, residing in the parish and State aforesaid to the petition of Benjamin Collins, the tutor of said minors, respectfully shows:

That this respondent was present at said family meeting, and acquiesced, in said proceedings; that he has no objection to the homologation thereof,

and the acceptance in behalf of said minors can be made in no other manner than under the benefit of inventory; he therefore acquiesces in said acceptance, &c., &c.

(Signed) CHARLES S. LOBDELL, *Under-tutor.*

STATE OF LOUISIANA, *Parish of West Feliciana.*

I hereby certify that the foregoing is a true copy of the original, now on file in my office. Given under my hand and seal official, the 13th July, 1831. (Signed)

J. B. DAWSON, *Parish Judge.* [SEAL.]

*Endorsed*—Court of probates, parish of West Feliciana.

In the matter of the succession of F. A. Browder.

*Acceptance of succession under the benefit of inventory, by the Tutor.*

STATE OF LOUISIANA, *Parish of West Feliciana.*

Be it remembered that, on this 12th day of July, in the year 1831, in my office in the town of St. Francisville, before me, John B. Dawson, judge of the parish aforesaid, and ex officio notary public in and for the same, came Benjamin Collins, tutor of the minors, B. Milton and John J. Browder, children and co-heirs of their father, Frederick A. Browder, who lately departed this life, and whose succession has lately been opened in the parish of East Baton Rouge, in this State, he declared, in conformity with the recommendations and directions of a family meeting of the relations and friends of said minors, lately assembled in family meeting, and which deliberations have been duly homologated, he, the said Benjamin Collins, tutor of said minors, doth hereby accept the succession of their said father, Frederick A. Browder, under the benefit of inventory, for and in behalf of said minors.

In witness whereof the said Benjamin Collins has signed this act before me, the said judge and notary, the day and year aforesaid, at my office, in presence of Charles S. Lobdell and J. A. Dutch, assisting witnesses.

(Signed) BENJAMIN COLLINS, *Tutor.*

STATE OF LOUISIANA, *Parish of West Feliciana.*

I hereby certify that the foregoing is a true copy from the original, on file in my office. Given under my hand and seal, this 13th July, 1831.

[SEAL.] (Signed) JOHN B. DAWSON, *P. Judge.*

*Endorsed*—Court of probates, parish of West Feliciana.

In the matter of the succession of Frederick A. Browder. Acceptance of succession under benefit of inventory, by the tutor.

To the hon. the Judge of the Court of Probates, in and for the Parish of East Baton Rouge, and State of Louisiana.

The petition of Benjamin Collins, residing in the parish of West Feliciana, and State aforesaid, tutor of the minors, B. Milton and John J. Browder, respectfully shows:

That this petitioner has duly and legally convened a family meeting of the relations and friends of the minors, B. Milton and John J. Browder, children and co-heirs of their father, Frederick A. Browder, for the purpose of

advising and assisting this petitioner to accept or renounce the succession of their said father; that said family meeting was convened before his honor John B. Dawson, judge of the parish of West Feliciana, in his capacity of notary public; that said family meeting advised and directed this petitioner to accept said succession for and in behalf of said minors; and this petitioner has had the said deliberations and proceedings homologated before the judge of West Feliciana, that being the parish where said minors are domiciliated; that afterwards this petitioner accepted said succession under the benefit of inventory for and in behalf of said minors, (and this petitioner has had the said proceedings,) before said judge and notary. All which proceedings will fully and at large appear by copies of the proces verbal of the deliberations of said family meeting, by the petitions, orders, and decrees of said judge, in the premises, and by the copy of said act of acceptance hereto annexed and referred to.

Your petitioner prays that this petition, together with said copies, proceedings, judgments, &c., be received, filed and recorded in this hon. court, and that all of said proceedings be homologated according to law, and the rights and interests of said minors, in the succession of said Frederick A. Browder, be protected, and other share and portion in said succession, after the payment of the debts, are by said succession and a just administration by the administrator thereof, be set apart and be paid to them or their legal representatives.

And your petitioner prays that all such other and further proceedings be had in the premises, as the justice and equity of the case requires, and your honor shall be pleased to decree.

(Signed) B. COLLINS.

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge. In the matter of the succession of Frederick A. Browder. Petition of B. Collins, tutor of B. Milton and Jonn J. Browder. Copies of petition, answer, order, decrees, proces verbal of family meeting. Act of acceptance of succession under benefit of inventory. Filed 14th July, 1831.

Let the prayer of the petitioner be granted. Let the copies of the proceedings, petitions, answers, proces verbal of deliberations of the family meeting, the act of acceptance of the succession under the benefit of inventory, &c., &c., be filed and recorded, and the same is homologated, the same appearing to be in accordance with the laws in these cases made and provided. July 14th, 1831.

(Signed) CHS. TESSIER, *P. J.*

*Answer and copy of act of acceptance of succession under the benefit of inventory in behalf of the minor, Jane Browder.*

To the honorable the Judge of the Court of Probates in and for the parish of East Baton Rouge, and State of Louisiana.

The answer of John L. Lobdell, residing in the parish of West Feliciana and State aforesaid, appointed by this honorable court tutor to the minor, Jane Bowder, to the petition of John Linton, a creditor of the succession of F. A. Browder, respectfully shows:

That this respondent has, in conformity with the advice and directions of a family meeting of the relations and friends of the minor, Jane Browder, under the age of puberty, a child and co-heir of the succession of her said

Frederick A. Browder, accepted the succession of said Frederick A. Browder, under the benefit of inventory, for and in behalf of said minor, a copy of which act of acceptance is hereto annexed; and this petitioner claims all the benefits which the law accords to said minor, by virtue of the acceptance under the benefit of inventory.

And this respondent, further answering, says that he has no wish to administer the succession of said Browder, as the tutor of said minor, in opposition to the wishes of the creditors and other heirs; and, therefore, will acquiesce in the appointment of said Linton, as the administrator of said succession, and considers the appointment a judicious one, and for the benefit of the heirs of said succession, and he is the largest creditor and more interested in a proper administration of the property of said succession.

Your respondent therefore prays that this answer, and the copy of said act of acceptance, be received, filed, and recorded, in conformity with law, and that letters of administration of the succession of F. A. Browder be conferred on said Linton, in conformity with law, and for all such other and further proceeding in the premises as the nature and circumstances of the case requires. And your respondent, &c.

(Signed) JOHN L. LOBDELL, *P. P.*

STATE OF LOUISIANA, *Parish of East Baton Rouge.*

Be it remembered that, on this 14th day of July, in the year 1831, before me, Chs. Tessier, judge of the parish of East Baton Rouge, and ex officio notary public in and for the same, at my office, in the town of Baton Rouge, came John L. Lobdell, tutor of Jane Browder, a minor, under the age of puberty, and in conformity with the advice and directions of a family meeting of the relations and friends of said minor, legally convened, the proceedings and deliberations of which family meeting had been homologated in conformity with law, he, the said tutor, doth hereby accept the succession of said Frederick A. Browder, under the benefit of inventory, for and in behalf of said minor.

Done at my office the day and year aforesaid, in my presence, and in that of Adam Winthrop and A. Duplantier, assisting witnesses.

(Signed) JOHN L. LOBDELL,
A. DUPLANTIER,
A. WINTHROP.
CHARLES TESSIER, *P. J.* [SEAL.]

*Endorsed*—Court of probates, parish of East Baton Rouge.

In the matter of the succession of F. A. Browder. Answer and copy of act of acceptance of succession, under benefit of inventory, in behalf of the minor, Jane Browder.

Let the prayer of the respondent be granted. Let the copy of act of acceptance of succession, under the benefit of inventory, in behalf of the minor, Jane Browder, be recorded according to law.

(Signed) CHS. TESSIER, *P. J.*

*July 14th*, 1831.

Filed July 14th, 1831.

(Signed) A. WINTHROP, *Clk.*

*Extracts from summary proceedings.*

July 15th, 1831. F. A. Browder's succession, No. 257.

This matter was taken up this 15th July, 1831. On motion, when, for

the administration of said succession, on reading and filing the petition of John Linton, a creditor of said succession, and the answer of Benjamin Collins, the tutor of the minors, B. Milton and J. J. Browder, and John L. Lobdell, the tutor of the minor, Jane Browder, the children and heirs of Frederick A. Browder, residing in this State; and it appearing that the other children and heirs of said Browder, to wit, Celial Ann and Eliza M Browder, reside out of the State, and have no attorneys in fact within this State, and that the tutors of the minors residing within this State have accepted the succession of said Browder, for and in behalf of said minors, under the benefit of inventory, by and with the advice and consent of the relations and friends of said minors in family meeting assembled; all which have been duly homologated.

The inventories of said succession having been finished and completed, and the tutors of said minors having declined the administration of said succession, and their being no attorney in fact of the absent heirs to claim the preference for the administration of said succession among the creditors, except the aforesaid John Linton, and he appearing to have all the necessary qualifications, and being a fit and proper person to administer said succession, I, the said judge, do hereby choose the said Linton as administrator of said succession, and hereby order, adjudge, and decree, that the administration of said succession be confirmed on said John Linton, on his giving the bond and security required by law.

(Signed) CHS. TESSIER, *P. J.*

In the matter of the succession of F. A. Browder.

*Mr. Lobdell's letter, &c.,*

St. Francisville, 15*th October*, 1831.

Hon. Chas. Tessier.

Dear Sir: I herewith send you a petition to convene the creditors of the succession of Browder for the purpose of deliberating and deciding upon the most advantageous manner of selling the effects of the succession.

I have enumerated the names of all the creditors who have presented claims, and their places of residence, and have, on the petition, entered at large the form of the order. The day of the meeting, you will perceive, is fixed for the 23d of November, which will be during the sitting of your private court. I expect I shall have business in the court at the time. It will be necessary to appoint a counsel for absent creditors not represented; the only ones not represented are the five minors, Hokes; as Mr. Morgan has already been employed by Mr. Shepherd, in other business, would it not be well to appoint him.

The creditors must be cited personally; those in the State and out of the parish 30 days notice; those in the parish, and the counsel for the absent creditors, 10 days notice; also, advertisements at the church and court-house doors, and publications in one of your papers printed at Baton Rouge, which you will select, and fill up the blank in the decree or order. You will perceive that the notices, advertisements, and publications ought to be made immediately. Have the goodness therefore to expedite the matter, and have every thing done in a legal manner. The Code of Practice, articles 1180, 1161, 1162, govern.

I remain yours,

(Signed) JOHN L. LOBDELL.

*Endorsed*—Hon. Chs. Tessier, Baton Rouge.

Filed October 21st, 1831.

## *Harriet E. Hooke et al. vs. John Linton.*

*Petition to convene creditors—determine on terms of sale.*

To the honorable the Judge of the Court of Probates in and for the parish of East Baton Rouge, State of Louisiana.

The petition of John Linton, administrator of the succession of F. A. Browder, respectfully shows:

That if all the claims and accounts which have been presented to this petitioner against the succession of Frederick A. Browder, should be substantiated and allowed, the succession of said Browder will be largely insolvent; that it is now time to have a sale made of the property of said succession; and, under the present aspect of affairs, it will be necessary to have a meeting of the creditors of said succession at the office of some not. pub., in order to deliberate on the most advantageous manner of selling the effects of said succession.

That the following are the names of the creditors who have filed their claims and their places of residence, viz.:

John Linton, city and parish of N. Orleans, represented by J. L. Lobdell, W. Feliciana.

| | | |
|---|---|---|
| Peter Barton, residence not known, | do. | do. |
| J. and L. Brewster, of New Orleans, | do. | do. |
| J. L. Lobdell, of West Feliciana, Pr. P. | | |
| Capt. and owners of steamboat Columbia, | do. | do. |
| Edward McGeber, State of Mississippi, | do. | do. |
| Leak B. Hagney, of Maryland, | do. | do. |
| Hill and Henderson, of N. Orleans, | do. | do. |
| George Welek, do. | do. | do. |
| Capt. and owners of steamboat Pocahontas, | do. | do. |
| Green B. Davis, of West Feliciana, | do. | do. |

Celia Ann and Eliza M. Browder, residing in the State of Mississippi, by C. Watts, N. O.

B. Milton and John J. Browder, by B. Collins, West Feliciana.

Pierce Harkness, of Ohio, represented by T. F. McCabeb, esq., N. Orleans.

Anselme Grange, parish of West Baton Rouge.

Philip Hickey, residence parish of East Baton Rouge.

Willis Thornton, do. do. do. do.

President, Directors & Co. of Bank of Louisiana, New Orleans.

Do. do. do. do. office Baton Rouge.

Do. do. do. do. do. St. Francisville.

Isadore Larguier, residence East Baton Rouge.

W. Reynaud, do. do.

Frederick Arbour, do. do.

The Trustees of Catholic Church, do.

Charles W. Crawford, do.

John Trubett, do.

—— Bernos, do.

Stephen Van Wickle, assignee of B. Poydras, Point Coupee.

Lewis Sterling, W. Feliciana.

H. H. Gurley, East Baton Rouge.

Thomas Gibbes Morgan, do.

Avery Breed, do.

R. O. Pritchard and Brother, New Orleans.

Dr. French, East Baton Rouge.
The heirs of Harriet Browder, viz.:
C. M. Shepherd and wife, } J. L. Lobdell.
Jane Browder, }
Harriet C. Hooke, }
Wm. B. Hooke, }
Francis F. Hooke, } Minors, no representative. Absent from the State.
Richard B. Hooke, }
Moses J. Hooke, }

Your petitioner therefore prays that said creditors be convened before your honor as not. pub., or some other notary, for the purpose aforesaid, in conformity with law; and that due and legal notices and citations be given, and your petitioner, &c.

(Signed) LOBDELL, *for Petitioner.*

Let the prayer of the petitioner be granted. Let the within creditors be called to appear before the judge of this court, in his capacity of not. pub., at his office in the town of Baton Rouge, on the 23d of Nov. 1831, at 11 o'clock in the forenoon of that day, in order to deliberate on the most advantageous terms and manner of selling the effects of the succession of F. A. Browder, deceased.

Let all the creditors who reside within this parish have at least 10 days' notice, by personal citation.

Let all the other creditors residing within this State have at least 30 days' notice, by personal citation.

T. G. and M. Morgan *is* appointed *counsels* to represent the creditors who reside out of this State who are not already represented, and let said counsels have the same personal notice as the creditors within this parish.

Let notice also be given by advertisements, posted up in the usual places, and by publication in the newspaper printed in Baton Rouge, called the Baton Rouge Gazette. Oct. 21, 1831.

(Signed) CHS. TESSIER, *P. J.*

*Endorsed*—No. 257, court of probates.
In the matter of the succession of F. A. Browder. Filed Oct. 21, 1831.

*Notices to Creditors.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE. } *No. 257.*
*In the matter of the succession of Frederick A. Browder.* }

To Messrs. W. Reynaud, J. Larguier, H. H. Gurley, T. G. Morgan, Avery Breed, Doct. French, Frederick Arbour, Mr. Benos, C. W. Crawford, John Trubett, President, Directors & Co. of Bank of Louisiana, Willis Thornton, Philip Hickey, The Trustees of the Catholic Church, Chs. Guedry, and J. S. Salmon, residing in the parish of East Baton Rouge:

JOHN BUHLER, esq.: You are hereby notified to attend a meeting of the creditors of the succession of the late F. A. Browder, to be holden at the office of Chs. Tessier, esq., not. pub., in the town of Baton Rouge, on the 23d day of November next, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession.

By order of said court. Oct. 21, 1831.

(Signed) A. WINTHROP, *Clk.*

*Endorsed*—Original notified the whole of the persons as within stated, with the exception of J. S. Salmon, not found, this 7th Nov. 1831.
(Signed) J. BUHLER, *Sheriff.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*In the matter of the succession of F. A. Browder.*

To Harriet C. Hooke, William B. Hooke, Francis F. Hooke, Richard B. Hooke, and Moses J. Hooke, represented by James Scallan, esq., living in the parish of East Baton Rouge:

You are hereby notified to attend a meeting of the creditors of the succession of the late F. A. Browder, to be holden at the office of Chs. Tessier, esq., not. pub., in the town of Baton Rouge, on the 23d day of November next, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession. October 21, 1831.
By order of said court.
(Signed) A. WINTHROP, *Clk.*

*Endorsed*—Served by delivering a copy of the within notice to James Scallan, esq., in person, this 1st November, 1831.
(Signed) JOHN BUHLER, *Sheriff.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*In the matter of the succession of F. A. Browder.*

To Messrs. Pierce Harkness & Co., represented by T. F. McCaleb, President, Directors and Company of the Bank of Louisiana, R. O. Pritchard and Brother, residing in the parish of New Orleans:

You are hereby notified to attend a meeting of the creditors of the succession of F. A. Browder, to be holden at the office of Chs. Tessier, esq., notary pub., in the town of Baton Rouge, on the 23d day of November next, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession.
By order of court. Oct. 21, 1831.
(Signed) A. WINTHROP, *Clk.*

*Endorsed*—Succession of F. A. Browder, to be served on R. O. Pritchard and Brother, Bank of Louisiana, T. F. McCaleb. Received Thursday, Oct. 27, 1831; and served on the same day copy of the within notice on R. O. Pritchard and Brother, by handing the same to the former on T. F. McCaleb, the attorney of Pierce Harkness & Co., and on the Bank of Louisiana by handing the same to R. Booker, the cashier. Returned 3d Nov. 1831.
J. H. HOLLAND, *Dep. Sheriff.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*In the matter of the succession of F. A. Browder.*

To Celia Ann and Eliza M. Browder, residing in the State of Mississippi, represented by C. Watts, residing in the parish of New Orleans:

You are hereby notified to attend a meeting of the creditors of the succession of the late F. A. Browder, to be holden at the office of Chs. Tessier, esq., not. pub., in the town of Baton Rouge, on the 23d day of November

next, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession. Oct. 21, 1831.

By order of the court.

A. WINTHROP, *Clk.*

*Endorsed*—Received Thursday, Oct. 27th, 1831; and served on the same day copy of the within notice on C. Watts, esq., representing Celia Ann and Eliza M. Browder. Returned Nov. 3d, 1831.

(Signed) J. H. HOLLAND, *Dep. Sheriff.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*In the matter of the succession of F. A. Browder.*

To Anselme Grange, residing in the parish of West Baton Rouge:

You are hereby notified to attend a meeting of the creditors of the succession of the late F. A. Browder, to be holden at the office of Chs. Tessier, esq., not. public, in the town of Baton Rouge, on the 23d day of November next, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession.

By order of the court. October 21st, 1831.

(Signed) A. WINTHROP, *Clk.*

*Endorsed*—Received the 31st day of October, 1831; and the same day served, by delivering a copy of the within to a free person above the age of fourteen, at the domicile of Anselme Grange, in this parish.

(Signed) F. HEBERT, *Sheriff.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*In the matter of the succession of F. A. Browder.*

To the owners of the steamboat Florida, represented by A. Bessy, residing in the parish of East Baton Rouge, Wm. Jennison, jr., residing in the parish of East Baton Rouge:

You are hereby notified to attend a meeting of the creditors of the succession of the late F. A. Browder, to be holden at the office of Chs. Tessier, esq., not. pub., in the town of Baton Rouge, on the 23d day of November next, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession.

By the court. October 21, 1831.

(Signed) A. WINTHROP, *Clk.*

*Endorsed*—Served on W. Jennison and A. Bessy, in person, this 7th November, 1831.

(Signed) JOHN BUHLER, *Sheriff.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*In the matter of the succession of F. A. Browder.*

To John Buhler, esq., residing in the parish of East Baton Rouge:

You are hereby notified to attend a meeting of the creditors of the succession of the late F. A. Browder, to be holden at the office of Chs. Tessier, esq., not. pub., in the town of Baton Rouge, on the 23d day of

November next, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession.

By order of the court. October 21, 1831.

(Signed) A. WINTHROP, *Clk.*

*Endorsed*—I accept service of the within notice, this 7th Nov. 1831.

(Signed) JOHN BUHLER, *Sheriff.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*In the matter of the succession of F. A. Browder.*

To the creditors of the estate of F. A. Browder:

You are hereby notified attend a meeting of the creditors of the succession of the late F. A. Browder, to be holden at the office of Chs. Tessier, not. pub., in the town of Baton Rouge, on the 23d day of November 1831, at 11 o'clock, A. M., to deliberate on the most advantageous terms and manner of selling the effects of the succession.

By order of the court. October 21, 1831.

(Signed) A. WINTHROP, *Clk.*

*Endorsed*—Served by posting a copy of the notice at the door of the court-house of the parish of East Baton Rouge, this 22d October, 1831.

(Signed) JOHN BUHLER, *Sheriff.*

*Extract from Summary Proceedings.*

F. A. Browder's succession, October 24, 1831.

Messrs. Morgan having declined the appointment of council for absent creditors, ordered that Mr. Scallan be appointed in their stead, and that he be duly notified thereof.

(Signed) CHS. TESSIER, *P. J.*

*Meeting of Creditors.*

STATE OF LOUISIANA, PARISH OF EAST BATON ROUGE.

On the 23d of November, in the year of our Lord one thousand eight hundred and thirty-one, agreeably to an order of the court of probates in and for this parish, of the 21st ult., and after legal advertisement in the Baton Rouge Gazette, and regular notice, were called the undersigned creditors of the succession of the late F. A. Browder, of this parish, at the office of the parish judge and ex officio notary public in and for the same parish, to compose a meeting in order to deliberate on the most advantageous terms and manner of selling the effects of said succession,

When the said creditors, appearing successively, delivered their several opinions in the following manner, to wit:

Then appeared before me the said judge and notary, Thomas Gibbes Morgan, attorney in fact of Charles Moses Shepherd and Margaret Hooke, his wife, of Harriet C. Hooke, and also of John F. Carmichael, the latter residing in the State of Mississippi, and being the guardian of William B. Hooke, Francis F. Hooke, Richard B. Hooke, and Moses J. Hooke, children of the late Mrs. Harriet Browder, by her marriage with Moses Hooke, late of the State of Mississippi, deceased, and heirs of the said Moses and Harriet, and the said appearer, for and in behalf of his said constituents, does claim for them all that property situate in the parish of

East Baton Rouge, and known by the name of Arlington plantation, together with all the slaves, farming utensils, stock and horses, now on said plantation, and does hereby protest against any sale or disposition thereof to the prejudice of the rights of his constituents; this appearer declaring that his constituents are the legal owners of the above-mentioned property.

In testimony whereof, the said appearer hath hereto affixed his name, the day and year before written, in presence of me, the said notary, and of Morris Morgan and C. R. French, assisting witnesses. The words "and Moses J. Hooke," interlined, approved.

(Signed) THOMAS GIBBES MORGAN,
MORRIS MORGAN,
CORR. R. FRENCH.
CHS. TESSIER, *P.J.*

Then appeared Dr. Corr. R. French, who declared, on oath, that he is a creditor of the succession of the late F. A. Browder in the sum of $496, on account for medical services rendered, and claims the privileges attached to his claim: he wishes that the personal property be sold for cash, and landed estates and negroes at one, two and three years' credit, in endorsed notes payable in bank, and mortgage reserved to secure the payment; and has signed his name.

(Signed) CORR. R. FRENCH.

William Reynaud appeared and declared, on oath, that he is a creditor of the succession of the late Frederick A. Browder, deceased, in the sum of $96 82½, on account for timber furnished for the buildings on the plantation, and claims the privilege attached to his claim. He wishes the estate to be sold as follows: the moveables for cash, and landed estate and negroes at one, two and three years' credit, in endorsed notes payable in bank, and mortgage reserved on the real estate to secure the payment.

(Signed) WM. REYNAUD.

Anthony Bessy, representing the syndics of T. Beauduc, declares the claim of said syndic against the succession of the late Frederick A. Browder in the sum of $44, on account for freight due the steamboat Florida: he wishes the personal property sold for cash; and the real estate at one, two, and three years' credit, in notes payable in bank, and mortgage reserved on the property sold to secure its payment.

(Signed) BESSY.

Appeared Willis Thornton, who, being duly sworn, declares his claim resulting from a judgment in the probate court of the parish of East Baton Rouge to amount to $1,566 66 cents, with the legal interest on $1,126 63, from the 1st day of February, 1831; and for securing the payment of the said sum of $1,566 66, with interest as aforesaid, he claims a special lien and privilege on the sugar-house and buildings thereunto appertaining, erected on the Arlington plantation, in this parish, and for the amount of his said claim he desires a sale for cash of that property, on which he has a privilege as aforesaid.

(Signed) WILLIS THORNTON.

James Scallan, of the parish of East Baton Rouge, the attorney and agent of John Turbett, who declares his claim to amount to the sum of $371, and

such interest as it may be shown to bear, which claim has been duly acknowledged by the agent of John Linton, administrator, as being given for agricultural implements furnished to the Arlington plantation, prays that the property be sold for cash, the said Scallan in the name of the said Turbett, reserving such privilege as his claim bears.

JAMES SCALLAN.

Isadore Larguier declares that his claim against the succession of Frederick A. Browder amounts to $104, on account of articles furnished to the use of the plantation, for which he claims a privilege: he wishes the moveables to be sold for cash, and the landed estate and slaves at one, two, and three years' credit, in notes endorsed and payable in bank, and mortgage reserved on real estate, to secure its payment, which declaration he made on oath.

ISADORE LARGUIER.

John Buhler, esq., declares that he is a creditor to the succession of Frederick A. Browder, deceased, in the sum of $825, bearing from the 1st of April, 1831, with the privilege of vendor on the following slaves, to wit: Charlotte, aged about 40 years, and her six children; Bob, aged 17 years; Joshua, aged 10 years; Sampson, aged 7 years; Jim, aged 5 years; Michael, 3 years, and an infant.

The said Buhler declares that he is bound, as the endorser of the deceased, for the further sum of $825, payable on the 1st day of January, 1832, with the privilege of the vendor on the above-named slaves, and wishes that the said slaves be sold for cash, to meet the above amount, with interest and costs; and has subscribed hereto his name, after having made oath to the above statement.

(Signed) JOHN BUHLER.
CHS. TESSIER, *P. J.*

Hugh Alexander, of the parish of East Baton Rouge, declares his claim against the succession of F. A. Browder, both in his own name, and as agent of James Spear, to be as follows, to wit:

That in his own name to amount to $21 92, being principally for money to Browder, sugar maker, within the year preceding his death; and that for said Spear to amount to $97 00, with interest on $93, from the day of February, 1831, for which a suit is now pending in the probate court of East Baton Rouge.

And for all those claims, this appearer claims a sale, on the amount due him individually, of personal property for cash, and real at a credit of one, two, and three years; and for the claim of Speer, a sale for cash according to the privilege claimed therefor.

HUGH ALEXANDER.

Frederick Arbour declares to be a creditor of the succession of Frederick A. Browder, in the sum of $58 19, on a note of hand. He desires that the estate of said deceased be sold as follows: the moveables for cash, and the real estate at one, two, and three years' credit, in endorsed notes payable in bank, and mortgage reserved till paid.

FREDERICK ARBOUR.

Then appeared Thomas Gibbes Morgan, who declares that he is a creditor

of the succession of the said Frederick A. Browder, in the sum of $425, and for securing the payment of $350 of said sum he claims to have the privilege as vendor on the slaves, Andrew, Nancy, and her child Maria, sold by appearer to said Browder. He demands that the said slaves, or so many thereof as may be sufficient to pay said sum of $350, may be sold for cash, and the remainder of the property be sold as follows: the personal property for cash, the real property at one, two, and three years' credit.

THOMAS GIBBES MORGAN.

Thomas Reed, executor of the estate of the late Mrs. Sarah Powell, deceased, declares the claim of the succession of said deceased against the estate of the late F. A. Browder to be $187 10. He demands that the property of said Browder be sold as follows, viz.: the moveables for cash, and the landed estate and slaves at one, two, and three years' credit, and signed his name.

JOHN REED, *Testamentary Executor.*

Chas. Guedry declares that he is a creditor of the succession of Frederick A. Browder, in the sum of $11 00, and wishes the property to be sold as follows: the personal property for cash, and the real estate at one, two, and three years' credit.

(Signed) CHS. GUEDRY.

And also appeared John Linton, for and in behalf of the late commercial firm of Wilkins and Linton, by John L. Lobdell, his attorney in fact, and declared that they were creditors of said Frederick A. Browder, by special mortgage, to the amount of $35,000, and there is now due on said mortgage $33,000; and they claim a special privilege, mortgage, and hypothecation on the following property, part of the succession of said Browder, viz.:

1st. A sugar plantation, situate four miles below the town of Baton Rouge, in the parish of East Baton Rouge, containing twenty-two and a half arpens front on the river Mississippi; adjoining Guy Duplantier on the upper side; on the east end by land belonging to C. Pierce and wife; on the lower or south side by same parties; containing 930 arpens, with the buildings, fixtures, and improvements thereon, being the same plantation known by the name of the Arlington plantation.

2d. Forty-nine slaves, now employed on said plantation, of the name and ages following, to wit: Hampton, aged 70 years; Bob, 55 years; Judith 50 years; Joe, 50 years; Perry, 26 years; Isaac, 35 years; Henry Bartlett 30 years; Reuben, 9 years; Anne, 5 years; Rose, 32 years; Frederick, 7 years; Stephen, 35 years; Dave, 30 years; Jarvis, 30 years; Andy, 20 years; Nancy, 20 years; Martha, 20 years; George, 24 years; Billy, 25 years; Henry, 25 years; Charlotte, 20 years; Rachel, 16 years; Clinton, 14 years; Henry, 4 years; Nelly, 4 years; Harmel, 45 years; Suckey, 22 years; George, 22 years; Delilah, 17 years; Julia, 14; Gabriel, 10; Edward, 6 years; Elsey, 22 years; Nancy 24, and her child, 4 years; Reuben, 28 years; Sarah, 28 years; Betsey, 4 years; Molly, 32 years; Piffrey, 29 years; Phœbe, 26 years; Louisa, 8 years; Betsey, 4 years; Ned, 1 year; Judy, 20 years, and her infant child; and Rose, 12 years. They claim a special mortgage privilege on the proceeds of said mortgaged and hypothecated property and slaves, belonging to the succession of F. A. Browder, be sold on a credit of one, two, and three years; purchasers giving their obligations, with approved security, for the respective amounts of their purchases, payable at the

office of discount and deposite at the bank of Louisiana, at Baton Rouge, for all such property situate in the parish of East Baton Rouge; and at the office of discount and deposite of said bank at St. Francisville, for all such property situated within the parishes of East and West Feliciana; and mortgage and confession of judgment on the immoveables and slaves purchased; and they claim the express privilege of having the whole of the property mortgaged to them sold in a block, if they should deem it advisable; and for the benefit of the succession, they also vote that the moveable property of said succession be sold for cash: and said appearer verified his claim in conformity with law.

(Signed) JOHN LINTON, *for*
WILKINS & LINTON, *by*
JOHN L. LOBDELL,
*Agent and Attorney in fact.*

And also appeared Peter Barton, by John L. Lobdell, his attorney in fact, by letter of attorney shown to me, and verified his claims to the sum of $262 50, for lumber furnished to the sugar house of said Browder, by Maker and Folde, to Willis Thornton, the builder, for which said Browder accepted a draft of Thornton for that amount, which was regularly transferred to this appearer, and he claimed a privilege on said sugar house for that amount; and votes that it be sold to meet the privilege, requiring a cash payment to a sufficient amount to that purpose.

And he votes in all other respects as Wilkins and Linton have voted, and he signs this act.

(Signed) PETER BARTON, *by*
JOHN L. LOBDELL.

And also appeared John L. Lobdell, who declares himself to be a creditor of said succession to the amount of $300—$250 of which he claims as a privilege for services rendered on the claim *vs.* William Hunstock, and he verified his claim; and voted in all respects the same as Wilkins and Linton, and he signs this act.

(Signed) JOHN L. LOBDELL.

And also appeared James Brewster and Lewis Brewster, merchants and commercial *declares*, under the name and state and firm of J. & L. Brewster, of New Orleans, by John L. Lobdell, their attorney in fact, by letter shown to me, and they verified their claim to be the sum of $85 25, for goods, wares, and merchandize, purchased of them by said Browder, on the 12th day of June, 1831; and they vote in all respects the same as Wilkins and Linton, and they sign this act.

(Signed) JOHN L. LOBDELL, *for*
J. & L. BREWSTER.

And also appeared captain and owners of steamboat Columbia, by John L. Lobdell, their attorney in fact, by letter of attorney shown, and they verified their claim to be the sum of $132 47 for freight and passage on board said boat as common carriers, commencing with the 15th day of June, 1829, and ending on the 21st of June, 1830; and they vote for sales in every respect the same as Wilkins and Lintin, and they sign this act.

J. L. LOBDELL,
*For captain and owners of steamboat Columbia.*

And also appeared Edward McGehee, of Wilkinson county, Mississippi, by J. L. Lobdell, his attorney in fact, and verified his claim to be the sum of $4,000, for endorsements on the notes of said Browder, at Bank of Woodville, which he has been obliged to pay; and he votes for the sales of the property in every respect the same as Wilkins and Linton, and he has signed this act.

(Signed) JOHN L. LOBDELL, *for*
JOHN McGEHEC.

And also appeared Hill and Henderson, of New Orleans, merchants and commercial dealers, by John L. Lobdell, their attorney in fact, by letter of attorney, and he verified their claim to be the sum of $101 25, for goods and merchandize, purchased from them by said Browder, on the 12th day of January, 1831; and they vote for the sales in every respect the same as Wilkins and Linton, and they sign this act.

(Signed) J. L. LOBDELL, *for*
HILL & HENDERSON.

And also appeared George Welch, for the use of J. Hennicutt, by John L. Lobdell, his attorney in fact, by letter of attorney, explained his claim to be the sum of $58 90, for shoes, &c., purchased for the use of the Arlington plantation, on the 1st July, 1830; and he votes for sales in every respect as Wilkins and Linton, and he signs this act.

JOHN WELCH, *by*
J. L. LOBDELL,

And also appeared Green B. Davis, by J. L. Lobdell, his attorney in fact by letter of attorney, and explained his claim to be $3,300, for endorsements on three notes of $1,000 each, payable at the Bank of Natchez, for which said appearer is held responsible; and he votes for the sales in every respect the same as Wilkins and Linton, and signs this act.

GREEN B. DAVIS, *by*
J. L. LOBDELL.

And also appeared Richard O. Pritchard and Brother, of New Orleans, by J. L. Lobdell, their attorney in fact, and explained their claim to be the sum of $137 04, for goods, wares, and merchandize, purchased for the use of the Arlington plantation; they also claim to be privileged creditors to the amount of $700, and interest on same, on the slaves:

Which is evident by the promissory note of said Browder, assigned to these appearers for the purchase of said slaves, be sold, so as to meet said privilege, and in other respects the same as Wilkins and Linton, and he signs this act.

R. O. PRITCHARD & BROTHER, *by*
J. L. LOBDELL.

William Jennison, jr., declares that he is a creditor of the succession of Frederick A. Browder, in the sum of $34 25, on a note of hand; he demands a sale of the personal property for cash, and the landed estate and negroes at one, two and three years' credit, in endorsed notes, payable in bank, and mortgage reserved till final payment.

(Signed) WM. JENNISON.

Philip Hickey, esq. appeared and declared to be a creditor of the de-

ceased, in the sum of $300; he demands a sale of the moveables of the succession for cash, and the immoveables and slaves at one, two, and three years' credit, in notes satisfactorily endorsed, payable in bank at Baton Rouge, and that mortgage be reserved until final payment.

And in the name and President of the Board of Trustees of the Catholic Church, he declares that the late F. A. Browder is indebted to said church in the sum of $50, for its erection, on a subscription paper, and votes as above for the sale of the estate.

(Signed) PHILIP HICKEY.

Finally, appeared Messrs. Lawrence and Ogden, counsel for the absent heirs of the deceased, and declared that, on the part of said absent heirs, they expressly reserve all legal exceptions to these proceedings, and protest against the same only so far as they are or may be prejudiced to the interests of said heirs.

And no other creditor appearing, I have closed the present meeting, and have hereunto set my hand, with Messrs. A. Duplantier and M. Moreno, assisting witnesses, the day and year first above written.

(Signed) CHS. TESSIER, *P. J. and Not. Public.*
A. DUPLANTIER,
M. MORENO.

A true copy of the original on file, in the records of my office. In witness whereof I have hereunto set my hand and public seal, at Baton Rouge, the 24th day of November, 1831.

[SEAL.]

(Signed) CHS. TESSIER, *P. J. and Not. Public.*

*Endorsed*—F. A. Browder. Filed 24th Nov., 1831.

(Signed) A. WINTHROP, *Clk.*

*Protest of J. Scallan, counsel for absent creditors.*

James Scallan, attorney at law, residing in the parish of East Baton Rouge herein appearing, declares and makes known:

That by an order of the honorable the probate court of the parish of East Baton Rouge, in the State of Louisiana, bearing date the 24th day of October, in the year 1831, he was appointed counsel to represent the absent creditors of the late F. A. Browder, deceased, and notified thereof.

That sundry notices were served on him, by order of the said court, to represent the following persons at a meeting of the creditors of the succession of said Browder, to be holden at the office of Chs. Tessier, notary public, in the town of Baton Rouge, on the 23d day of November, 1831, to deliberate on the most advantageous terms and manner of selling the effects of the succession, which persons so named in said notices, were as follows, to wit: Moses J. Hooke, Richard B. Hooke, William B. Hooke, Francis F. Hooke and Harriet E. Hooke, all of which, in the premises, will better appear by the order of appointment and notices herein referred to, annexed to and make part of this instrument.

That understanding the above mentioned persons reside near, or at Pinckneyville, in the State of Mississippi, the appearer, to wit, on the 3d day of Nov., in the present year, addressed a letter to each, informing them of the

premises, and desiring that they would make known to this appearer the amount and nature of their respective claims.

That to those letters thus forwarded on the 3d day of the month of November as aforesaid, this appearer has received no answer save from Harriet E. Hooke, whose letter is hereunto annexed as part of this instrument.

That this appearer is still ignorant of the nature and amounts of the claims of the persons hereinbefore named: that this appearer by virtue of the authority vested in him as hereinbefore mentioned, and in consideration of the premises, does hereby in the name of those persons whom he represents, or may be legally held to represent, at the said meeeting of the creditors of the succession of the late F. A. Browder, solemnly protest against any act or acts of any individual or individuals, by any means or in any manner, which may militate against the rights or privileges of those persons whom this appearer represents as aforesaid, or which will create any responsibility in them, and thereunto makes this his protest, at Baton Rouge aforesaid, this 23d day of November, 1831, in the presence of A. Duplantier and A. Winthrop, subscribing witnesses hereunto, and Chs. Tessier, notary public.

(Signed) JAMES SCALLAN,
A. DUPLANTIER,
A. WINTHROP,
CHS. TESSIER, *P. J.*

A true copy of the original, on file in my office. November 24, 1834.

(Signed) CHS. TESSIER, *P. J. and Not. Public.*

*Endorsed*—No. 257, succession of F. A. Browder. Filed 24th Nov. 1831.

A. WINTHROP, *Clk.*

*Petition for homologation and for sale of the property.*

To the honorable the Judge of the Court of Probates, in and for the parish of East Baton Rouge, and State of Louisiana.

The petition of John Linton, administrator of the succession of F. A. Browder, respectfully shows:

That a meeting of the creditors of the succession of Frederick A. Browder has been convened, after legal notice, before your honor as notary public, for the purpose of deciding on the terms that the property of said succession shall be sold; that said creditors appeared and voted on the 23d and 24th day of November, 1831; that a large majority of the creditors, in number and amount, voted that the immoveable property and slaves of said succession be sold on a credit of one, two, and three years, the purchasers giving their obligations, with approved security, for equal instalments, payable at the office of discount and deposite of the bank of Louisiana, at Baton Rouge, for the property situated in the parish of East Baton Rouge; at the office of discount and deposite of said bank of St. Francisville, for the property situated in the parishes of East and West Feliciana; with mortgage and confession of judgment on the immoveables and slaves purchased; and the moveable property sold for cash; and some of the creditors claimed their privileges on slaves and buildings; all which will fully appear by the proces verbal of the deliberations of said creditors, a copy of which is hereto annexed; that it will be necessary to homologate those proceedings, and

have the property sold, in accordance with the vote of said creditors, and in conformity with law, and within the shortest delay.

Your petitioner therefore prays that said copy of said deliberations be filed and homologated, according to law; that the sale of the property of said succession be made according to the vote of said creditors, and in conformity with law, and with all convenient despatch. And your petitioner, &c.

(Signed) LOBDELL, *Att'y for Petitioner.*

On reading and filing the petition of John Linton, and the copy of the proceedings of the creditors of the succession on F. A. Browder, on motion of John L. Lobdell, of counsel for the administrator of said succession, ordered, that the proceedings be, and the same is hereby homologated; and it appearing that a majority of the creditors, in number and amount, have voted to have the immoveable property and slaves of said succession, sold on terms of credit, and the moveable property for cash, in accordance with the said vote, it is hereby ordered, that the immoveable property and slaves of said succession be sold, after the legal advertisements, at one, two, and three years, in equal instalments, the purchasers giving their obligations, with approved security, payable at the office of discount and deposite of the bank of Louisiana, at St. Francisville, for all the immoveables and slaves situated in the parishes of East and West Feliciana; and at the office of discount and deposite of the said bank, at the town of Baton Rouge, for all the immoveables and slaves situated in the parish of East Baton Rouge; purchasers also giving their mortgage, with confession of judgment, on the immoveables and slaves purchased, for the amount of their respective purchases.

And it is ordered, that the moveable property of said succession be sold for cash, and it appearing that John Buhler, the endorser of said Browder, has a privilege of vendor on the slaves, Charlotte and her six children, viz., Bob, Joshua, and Sampson, Jim, Mitchell, and an infant, amounting to the sum of $1,650, with five per cent. interest on the sum of $825, from the 1st April, 1831, and that said Buhler has become subrogated to the rights of the vendor of said slaves, he required said slaves to be sold for cash to meet said privilege.

Therefore, ordered, that said slaves be sold for cash to pay said privilege; and the balance of the sale, over and above the privilege, should there be any, on same terms and conditions as the other slaves.

And it also appears, that Thomas Gibbes Morgan has a privilege as vendor on the slaves, Andrew, Nancy, his wife, and their child, Maria, for the sum of $250, and requires that said slaves be sold for cash to pay said privilege. Ordered, that said slaves, or so many thereof as may be necessary to be sold for cash to pay said $350, and that the over of the amount of sale over said sum of $350, be on the same terms and conditions as the other slaves.

And it also appears, that Messrs. Wilkins and Linton have a special mortgage on the Arlington plantation and slaves, Hampton, Poh, Judith, Joe, Penny, Isaac, Jenny Bartlett, Reuben, Aaron, Rose, Frederick, Stephen, Dave, Jarvis, Andy, Amy, Martha, George, Billy, Henry, Charlotte, Rachel, Clinton, Henry, Nelly, Hannah, Suckey, George, Delilah, Julia, Gabriel, Edward, Elsey, Nancy and her child four years old, Jenny and her child William, Roeber, Sarah, Betsey, Molley, Jeffre, Phœbe, Louisa, Betsey, Ned, and Judy and her infant child, and Rose, in all forty-nine

slaves; and they claimed the privilege of having the whole of the mortgaged property sold in block, if thought advisable by said mortgagees.

It is therefore further ordered, that the whole of said mortgaged property be sold in block, if said mortgagees should require the sale to be so made on the day of sale.

And it is further ordered, that orders issue to the judges of the parishes of East and West Feliciana to make sales of the property of said succession, situated in said parishes on the terms and conditions of the vote of said creditors. 24th November, 1831.

Let the sale take place on the Arlington plantation on Thursday, the 29th December next, to commence at 10 o'clock, A.M. November 24th, 1831.

(Signed) CHS. TESSIER, *P. J.*

November 24th, 1831.

A. WINTHROP, *Clk.*

*Petition to postpone the sale of the property.*

To the honorable the Judge of the Court of Probates, in and for the parish of East Baton Rouge, State of Louisiana.

The petition of John Linton, administrator of the succession of F. A Browder, respectfully shows:

That the heirs of Moses Hooke, and of the late Mrs. Browder, have made claims to the property existing between said Browder and the heirs of his wife, and Bartlett M. Browder and others have made claim to several of the slaves inventoried as the separate property of said Browder; that said claims will materially injure the sale of the property on the 29th December instant; that, in all probability, this petitioner will be able to arrange matters so as to have the proceeds of the property answerable for those, as well as all other claims, between this and the 10th of February next. And your petitioner, &c.

(Signed) LOBDELL, *Att'y for Petitioner.*

Let the prayer of the petitioner be granted. Let the sale of the property be postponed until the 9th of February, 1832, at the same time and place, and on the same terms and conditions; except the sale of the slaves, Charlotte and her six children, viz., Bob, Joshua, Sampson, Jim, Mitchell, and Jack, and the slaves, Andrew and Nancy, and her child, Maria, which said slaves shall be sold on said 29th day of December, 1831, to pay the privilege on the terms mentioned in the said sale. And the mercantile house of R. O. Prichard & Brother, being the assignees of an obligation of said Browder, carrying a vendor's privilege on the slaves, Hannah, aged thirty, and Charlotte, aged about fourteen years, for the sum of $700, for the price of said slaves, and said Prichard & Brother requiring said slaves to be sold for cash to pay said privilege note, interest, and costs, said slaves, Hannah and Charlotte are ordered to be sold on said 9th day of February, 1831, to meet and pay said privilege, interest, and costs, and the balance or overplus of the price of said slaves, should there be any, to be sold on the same terms and conditions of the other slaves, and the sale of said property to be continued from day to day, until the same is completed. Baton Rouge, 26th December, 1831.

(Signed) CHS. TESSIER, *P. J.*

*Endorsed*—Court of probates, parish of East Baton Rouge.
In the matter of the succession of Frederick A. Browder, No. 257. Filed December 26th, 1831.
(Signed) JOHN WINTHROP, *Dept. Clk.*

*Mr. Lobdell's Letter.*

ST. FRANCISVILLE, 1*st February*, 1832.

Hon. Judge TESSIER.

DEAR SIR: I have this day enclosed to Mr. Buhler the proceedings for order of seizure and sale in the suit of the Bank *vs.* F. A. Browder and wife, and requested Mr. Buhler to consult with you about fixing the time of sale of the property. Thursday would be a convenient day of the week; and have the sale as soon as practicable, allowing 30 days' notice. You, of course, will postpone your sale till the same time and place as that under the order of seizure and sale, as it is the intention to sell the plantation entire, which must be done under both sales; the slaves, which have been mortgaged to Pritchard, cannot be sold on the 19th instant, and must be postponed also. You will therefore have it done also.

I will endeavor to get the heirs of Collins to agree to the sale of the slaves they claim, and let them go against the proceeds.

You will find annexed an answer to the suit of P. S. Newton & Co. *vs.* Linton, administrator, which please have filed. I want a copy of the proces verbal of the first sale, with the receipts, vouchers, &c., of payment, which you have made to the creditors; also a copy of the proces verbal of second sale; a copy of the injunction suit of the heirs of Collins, and copy of the inventories, which send me as soon as possible.

Let me know the day you have agreed upon and fixed. I wish to send it to New Orleans, and have the property advertised there; we were premature in giving up the 14 slaves to Doctor Carmichael; they are mortgaged to bank.

Sincerely yours,
(Signed) JOHN L. LOBDELL.

*Endorsed*—N. B. Fix the day of sale for Thursday of the third week in March. Hon. Chs. Tessier, judge of the parish of East Baton Rouge. Filed.
A. WINTHROP, *Clk.*

ORDER FROM SUMMARY PROCEEDINGS.
*F. A. Browder's succession, Feb. 8th*, 1832.

On application of John Linton, administrator of the succession of F. A. Browder, deceased, ordered and decreed, that the sale of the estate of the succession, which was to take place on the 9th of this month of February, be further postponed until the 15th day of March next, on the premises; but this order is not to include the slaves, Hannah and Charlotte, mortgaged to R. O. Pritchard and Brother.
(Signed) CH. TESSIER, *P. J.*

*Petition of John Henderson to be appointed Tutor.*

To the hon. the Judge of the Court of Probates for the parish of East Baton Rouge, State of Louisiana.

The petition of John Henderson respectfully shows:

That petitioner has been appointed by the orphans' court of Adams coun-

ty, State of Mississippi, guardian of his grand children, Celia Ann and Mary E. Browder, minor children of the late Frederick A. Browder, and heirs of Isabella Henderson, their mother, late wife of said F. A. Browder.

The petitioner is the only ascending relation of said minors; that on a liquidation and settlement of the estate of said Isabella, as well of her separate property as of the community between her and said F. A. Browder, made by the probate court of the parish of West Feliciana, in October, 1824, said minors were found entitled to the sum of $1,950, for the separate property of said Isabella, and to a community property as heirs aforesaid, in lands and slaves, $5,182 50; that since the decease of said F. A. Browder, said minors are without a tutor; that said minors have resided for several years past with petitioner; that it has become necessary, for the protection of the rights of said minors, that a tutor be appointed for them. Petitioner prays that he be appointed said tutor in manner prescribed by law, and for relief adapted to the nature of the case.

(Signed) C. WATTS & BRUNOT,
*Attorney of Petitioner.*

The petitioner, John Henderson, is appointed tutor of his minor grand children, Celia Ann and Mary E. Browder, on his giving bond, with Wm. Brand, of New Orleans, as security, in the sum of $3,000, conditioned according to law. March 1st, 1832.

(Signed) CHS. TESSIER, *P. J.*

*Endorsed*—257, probate court, parish of East Baton Rouge.

In the matter of the minors, Celia Ann and Mary E. Browder. Petition to be appointed tutor. Filed 3d March, 1832.

(Signed) JOHN WINTHROP, *Clk.*

*Letters of guardianship.*

STATE OF MISSISSIPPI, *Adams county.*
*By the Ophans' Court of Adams county.*

Be it remembered that, at the October term, of the year 1831, of said court, John Henderson, having entered into bond, with sufficient security, as directed by law, was appointed guardian of the persons and estate, real and personal, of Celia Ann Browder and Mary E. Browder, his grand children, and infant children of Frederick A. Browder and Isabella Ann Browder, deceased. And he is hereby authorized and required faithfully to execute his office and trust as guardian aforesaid, to deliver into the office of the register of the court aforesaid, within three months from the date thereof, an inventory, on oath, of all the estate, real and personal, of the said infants; also yearly, or whenever thereunto required by lawful authority, to render a just and true account of his guardianship aforesaid, and to do and perform whatsoever of him, as guardian aforesaid, shall be required by the statutes which now are, or hereafter may be, provided in that behalf.

Witness Halsey Townsend, esq., judge of probate of said county, this 26th day of October, in the year 1831,

(Signed) WOODSON WREN, *Register*, [SEAL.]

STATE OF MISSISSIPPI, *Adams County, ss.*

I, Woodson Wren, register of the orphans' court of said county of Adams,

certify that the foregoing is a correct transcript from the records in my office. Given under my hand and seal of office, at the city of Natchez, this 26th day of October, 1831.

(Signed) WOODSON WREN, *Register.* [SEAL.]

STATE OF MISSISSIPPI, *Adams County, ss.*

I, Harvey Townsend, judge of probates of said county of Adams, certify that Woodson Wren, whose signature is affixed to the within certificate of this date, is and was, at the time of signing the same, the register of the orphans' court of the county of Adams, and that said certificate is in due form of law.

Given under my hand and seal, at the city of Natchez, this 26th day of October, 1831.

[SEAL.] (Signed) H. TOWNSEND, *Judge.*

STATE OF MISSISSIPPI, *Adams County, ss.*

I, Woodson Wren, register of the orphans' court of the said county of Adams, certify that Halsey Townsend, esq., whose name is subscribed to the foregoing last certificate was, at the time of subscribing, and now is, probate judge of the said county of Adams, duly commissioned and qualified.

Given under my hand and seal of office, at the city of Natchez, this 26th day of October, 1831.

(Signed) WOODSON WREN, *Register.*

*Endorsed*—No. 257, probate court, East Baton Rouge. Filed 3d March, 1832.

(Signed) JOHN WINTHROP, *Dept. Clk.*

*John Linton's letter for the postponement of the sale.*

NEW ORLEANS, *8th March*, 1832.

SIR: In consequence of some very unfortunate difficulties in making up the papers relating to the succession of Browder, I send up my counsel, Thos. W. Leigh, esq., with instructions to stop the sale advertised for the 15th instant, and I have invested him with full power to fix a day for the sale, that in *by* judgment may be suitable, and you will oblige me in a particular manner by giving every facility to Mr. Leigh.

Very respectfully,

(Signed) JOHN LINTON.

*Endorsed*—Hon. Chs. Tessier, parish judge of East Baton Rouge. Filed 10th March, 1832.

On reading and filing the within communication, of John Linton, administrator, praying for a postponement of the sale of the property of F. A. Browder, ordered, that the decree for the sale of the property be rescinded, and said sale postponed accordingly.

(Signed) CHS. TESSIER, *P. J.*

*Lawrence and Ogden, Counsel for the absent Heirs—motion.*

IN THE MATTER OF THE SUCCESSION OF FREDERICK A. BROWDER,
*Probate Court, Parish of East Baton Rouge, March term*, 1832.

Lawrence and Ogden, counsel of the absent heirs of Frederick A. Brow-

der, deceased, coming into court, file their motion, to wit: That John Linton, administrator of the estate of the deceased, be ruled to show cause within days from the service of a copy of this rule, why he does not proceed to the sale of the property and final settlement of the estate.

(Signed) LAWRENCE & OGDEN,
*Attorneys of the absent Heirs.*

*Endorsed*—No. 257. In the matter of the estate of F. A. Browder, deceased. Filed March 20th, 1832.

JOHN WINTHROP, *Dept. Clk.*

IN THE MATTER OF THE SUCCESSION OF F. A. BROWDER,
*Probate Court, Parish of East Baton Rouge, March term,* 1832.

On motion of Messrs. Lawrence and Ogden, counsel for absent heirs, for a rule on John Linton, administrator, to show cause, within ten days from service of the same, why he does not proceed to the sale of the property and final settlement of the estate. It is ordered that said rule be granted, and said administrator show cause accordingly.

I certify the above to be a correct transcript from the minutes. Witness my hand and seal of said court, March 21st, 1832.

(Signed) JOHN WINTHROP, *Dept. Clk.* [SEAL.]

*Endorsed*—Received Friday, March 30th, 1832; and served on the 2d April copy of the within notice on John Linton, in person. Returned April 3d, 1832.

(Signed) J. H. HOLLAND, *Dept. Sheriff.*

Returned and filed, May 8th, 1832.

J. WINTHROP, *Dept. Clk.*

In the matter of the succession of F. A. Browder.

IN THE MATTER OF THE SUCCESSION OF FREDERICK A. BROWDER,
*Probate Court, East Baton Rouge, April* 16, 1832.

On motion of P. K. Lawrence, esq., ordered, that the rule filed in this case by the counsel for absent heirs, be assigned for argument for to-morrow morning, at 11 o'clock.

Certified to be a true copy from the original, ordered as entered on the minutes.

(Signed) JOHN WINTHROP, *Dept. Clk.*

We consent that this motion be argued on Monday, the 30th instant, waiving all further notice. April 16, 1832.

(Signed) LAWRENCE & OGDEN.
LOBDELL, *Attorney for Administrator.*

*Endorsed*—Filed April 16, 1832.

JOHN WINTHROP, *Dept. Clk.*

*Petition of Administrator for renewal of Letters.*

To the honorable the Judge of the Court of Probates, in and for the parish of East Baton Rouge, and State of Louisiana.

The petition of John Linton, administrator of the succession of Frederick A. Browder, respectfully shows:

That he finds it impossible to make sales of all the property of the succession of Frederick A. Browder within the year of his administration, in consequence of the claims of minors and others on the property inventoried, which exist, and must be formally and legally disposed of in order to convey good and complete titles to the purchasers; that he cannot effect this now before the year of administration closes without materially injuring the amount and value of the succession, as the present crop of cane and corn is more than half made, and most of the expense of making the crop has already been created. He, therefore, thinks that it would be advantageous to the succession to make the present crop on the Arlington plantation, and add it to the succession, before the sale of the plantation and slaves. Your petitioner therefore prays that your honor renews his letters of administration of said succession, and for such other proceedings as the nature of the case requires.

(Signed) LOBDELL, *Attorney for the Petitioner.*

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge. In the matter of the succession of F. A. Browder. Filed 9th June, 1832.

(Signed) JOHN WINTHROP, *Dept. Clk.*

*June* 9, 1832.

On reading and filing the petition of John Linton, it appearing that the petitioner has not finally settled and brought to a close the succession of the late F. A. Browder, but requests a prolongation of his term of administrator for one year more to enable him to do so, it is therefore ordered and decreed, that the prayer of the petitioner be granted; that one year's prolongation be accorded as prayed for; that he give bond, with good security, for the faithful performance of his trust, in the sum of $130,000, conditioned according to law; and it is further ordered, that Nathaniel Dick, of the city of New Orleans, be accepted as his security.

(Signed) CHS. TESSIER, *P. J.*

*Petition to renew Letters.*

To the honorable the Judge of the Court of Probates, for the parish of East Baton Rouge, State of Louisiana.

The petition of John Linton, administrator of the succession of F. A. Browder, deceased, respectfully shows:

That the affairs of the said succession are not settled, and that the interest of the succession requires the prolongation of the administration for one year more. Wherefore, your petitioner prays, his term of one year being about to expire, that the administration may be prolonged for one year more, on your petitioner giving the security according to law.

(Signed) L. PIERCE, *Attorney.*

*Endorsed*—257, court of probates, parish of East Baton Rouge. Estate of F. A. Browder. Petition to renew letters. Filed 1st August, 1832.

(Signed) A. WINTHROP, *Clk.*

It is ordered that the letters of curatorship of the petitioner, John Linton, esq., be renewed on his giving bond, with James Dick as security, in the sum of $130,000, conditioned according to law. August 1, 1832.

(Signed) C. TESSIER, *P. J.*

*Petition for homologation of Account.*

To the honorable the Judge of the Court of Probates, in and for the parish of East Baton Rouge, State of Louisiana.

The petition of John Linton, curator of the estate of Frederick A. Browder, deceased, respectfully shows:

That, as required by law, he now files an account of his administration as far as he has proceeded therein. He prays that the creditors may be notified thereof; that his payment may be approved, and he be authorized to settle according to the annexed account, &c.

(Signed) L. PIERCE.

*Endorsed*—East Baton Rouge. In the matter of F. A. Browder. Petition for homologation of account. Filed.

A. WINTHROP, *Clk.*

*August* 1, 1832.

On reading and filing the petition of John Linton, it is ordered, that the creditors, and others interested, show cause, within ten days from advertisement, why the within account should not be approved, and payment ordered according to law.

(Signed) CHS. TESSIER, *P. J.*

Service acknowledged.

LAWRENCE & OGDEN,
*Counsel for absent Heirs.*

IN THE MATTER OF THE SUCCESSION OF F. A. BROWDER. } No. 257.
*Homologation of Account, September* 4, 1832. }

Extract from summary proceedings. In the matter of F. A. Browder, for homologation.

On motion of L. Pierce, esq., on behalf of the curator of the estate of F. A. Browder, and on showing to the court that no opposition had been filed to account of said curator, John Linton, esq., and being satisfied that the notices and publications had been duly made, and the attorney for absent heirs having shown no cause against the same, it is ordered, that the said account be approved and homologated, and the payment be made according thereto. September 4, 1832.

(Signed) CHS. TESSIER, *P. J.*

*Petition to appoint Thomas G. Morgan, Esq., Curator, &c., and for Partition.*

To the honorable the Judge of the Court of Probates for the parish of East Baton Rouge.

The petition of John Linton, administrator of the estate of F. A. Browder, respectfully shows:

That the estate of Browder, holding property in this parish, in common with the estate of Harriet Hooke, former wife of said Browder, and since dead; that for the payments of the debts of the succession represented for that purpose by your petitioner, it is necessary that the property so held in

common, should be divided. Your petitioner shows that said Harriet Hooke left a number of children, to wit: Mrs. Margaret Hooke, wife of Moses Shepherd, residing in the parish of St. James, and unrepresented, Harriet E. Hooke, Wm. Butler Hooke, Francis Fitzhenry Hooke, Richard Butler Hooke and Moses Josiah Hooke, minors, above the age of puberty, residing in the State of Mississippi.

Now, therefore, your petitioner prays that a curator may be appointed to said minors, Jane Hooke, Harriet E. Hooke, Wm. Butler Hooke, Francis Fitzhenry Hooke, Richard Butler Hooke, and Moses Josiah Hooke; that Mrs. Margaret Hooke and her husband, Moses Shepherd, as also said curator to the absent and unrepresented heirs; that a partition may be ordered according to law.

(Signed) L. PIERCE.

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge.

Let Thomas G. Morgan, esq., be appointed curator to the unrepresented heir, Jane, and to the absent minors, Harriet, William, Francis, Richard, and Moses Hooke, and let citations issue as prayed for.

(Signed) CHAS. TESSIER, *P. J.*

Filed, 1st August, 1832.

A. WINTHROP, *Clk.*

Service acknowledged.

LAWRENCE & OGDEN,
*Counsel of absent Heirs.*

*Citations.*

STATE OF LOUISIANA, *Mr. T. G. Morgan, Esq., Curator, &c.:*

You are hereby summoned to appear at the office of the sheriff of the parish of East Baton Rouge, and comply with the prayer of the annexed petition, or file your answer thereto, in writing, in the office of the clerk of the court of probates, holden in and for the parish aforesaid, at the town of Baton Rouge, in 10 ten days after service hereof.

Witness the honorable Chs. Tessier, judge of said court, the 11th day of August, in the year of our Lord 1832.

In the succession of F. A. Browder, 257.

(Signed) A. WINTHROP, *Clk.*

STATE OF LOUISIANA, *Mr. Moses Shepherd, Mrs. Margaret Shepherd, his wife:*

You are hereby summoned to appear at the office of the sheriff of East Baton Rouge, and comply with the prayer of the annexed petition, or file your answer thereto, in writing, in the office of the clerk of the court of probates in and for the parish aforesaid, at the town of Baton Rouge, in 17 days after service hereof.

Witness honorable Chas. Tessier, judge of said court, the 1st day of August, in the year of our Lord 1832.

(Signed) A. WINTHROP, *Clk.*

*Endorsed*—Served copy of this petition and citation annexed on Mr.

Moses Shepherd and Mrs. Margaret Hooke, his wife, in person. Parish of St. James, August 7th, 1832.

(Signed) CERISAY,
*Sheriff of the Parish of St. James.*

*Answer of Curator ad hoc.*

To the honorable the Judge of the Court of Probates in and for the parish of East Baton Rouge, Louisiana.

The answer of Thomas Gibbes Morgan, appointed by this honorable court, curator ad hoc of the absent minors, Harriet E. Hooke, Wm. B. Hooke, F. F. Hooke, Richard B. Hooke, Moses J. Hooke, and Jane B. Browder, children and heirs of Mrs. Harriet Browder, late wife of F. A. Browder, deceased, to the petition presented to this honorable court, by John Linton, administrator of the estate of F. A. Browder, deceased, respectfully represents:

That your respondent, since his appointment, has written to John F. Carmichael, of the county of Wilkinson, State of Mississippi, whom respondent understands is the guardian of all said minors, except the last named, Jane B. Browder, but has not received instructions from him or other person relative to the demand made; he therefore saith that he admits that the minors above-mentioned, together with Margaret Hooke, wife of C. M. Shepherd, are the legal and forced heirs of Mrs. Harriet Browder, deceased, and denying all other facts and allegations in said petition which would go to charge the said minors, or to devest them of any property to which they have a legal claim, or to render them in any manner responsible, or their property, for the debts due by the estate of F. A. Browder. He refers the demand of the petitioner to the direction of this court, and prays to be hence dismissed with costs.

(Signed) THOMAS G. MORGAN,
*Curator ad hoc.*

*Endorsed*—No. 257, court of probates, East Baton Rouge. John Linton, administrator, *vs.* the Heirs of Mrs. Harriet Hooke. Answer of curator ad hoc. Filed 4th Sept., 1832.

(Signed) A. WINTHROP, *Clk.*

*Answer of C. M. Shepherd and wife.*

To the honorable the Judge of the Court of Probates in and for the parish of East Baton Rouge, State of Louisiana.

The answer of C. M. Shepherd and Margaret Hooke, his wife, residing in the parish of St. James, to the petition presented to this honorable court by John Linton, administrator of the estate of F. A. Browder, respectfully represents:

That they specially deny that the property, the partition of which is demanded by the plaintiff, belongs to or forms a part or portion of the estate of the said F. A. Browder, or that he had any interest therein during his life; but they aver that the said property belonged to the mother of your respondent, Margaret, and formed a part of her separate estate, and at her decease became the property of the legal and forced heirs of his estate.

That as heir of her mother, the said Margaret is willing that the said pro-

perty should be sold, reserving to herself, now and at all times hereafter, the right to demand and recover from the said Linton, or whosoever may be in possession of the proceeds of said sale, the whole thereof; which respondents aver should be paid over to them and the other heirs of the late wife of said F. A. Browder, the mother of your respondent, Margaret. Wherefore they pray to be hence dismissed with costs.

(Signed) THOMAS GIBBES MORGAN,
*Atty. for Respondents.*

*Endorsed*—Probate court, East Baton Rouge. John Linton, administrator, *vs.* the Heirs of Mrs. Harriet Hooke. Answer of C. M. Shepherd and wife. Filed Sep. 4th, 1832.

(Signed) A. WINTHROP, *Clk.*

*Extract from the Minutes.*

At a session of the court of probates of the parish of East Baton Rouge, begun and holden in and for said parish, on the third Monday of August, being the 20th day of said August, in the year of our Lord 1832. Present honorable Charles Tessier, judge.

TUESDAY, *4th September*, 1832.

F. A. Browder's succession, Linton for partition, No. 257.

In this case the court having taken into consideration the petition and the answers and evidence, and being satisfied that the plaintiff has a right to his demand, do order, adjudge, and decree, that a partition of the community property of F. A. Browder and Harriet Hooke, deceased, his wife, be made according to law, before Charles Tessier, esq., in his capacity of notary public, of the parish of East Baton Rouge.

(Signed) CHS. TESSIER, *P. J.*

*Petition for Inventory and Appraisement.*

To the honorable the Judge of the Court of Probates for the parish of East Baton Rouge.

The petition of John Linton, administrator of the estate of F. A. Browder, deceased, respectfully shows:

That your honor having ordered a partition of the community property of F. A. Browder and Harriet, his wife, deceased, it becomes necessary that an inventory should be made. It is therefore prayed that your honor would order an inventory to be made according to law, and would appoint appraisers; and it is further prayed that the said appraisers may report if the said property can be conveniently divided, or whether a sale would be necessary to effect the partition.

(Signed) L. PIERCE.

*Endorsed*—Court of probates, parish of East Baton Rouge. Succession of F. A. Browder.

It is ordered that an inventory of the property held in community between F. A. Browder, be taken before me, in my capacity as notary, and that Philip Hickey, esq., and Guy Duplantier, esq., be appraisers to appraise the same; and that they also make report if said property can be conveniently divided, or if a sale be necessary. Sept. 5th, 1832.

(Signed) CHS. TESSIER, *P. J.*

*Petition of Curator ad hoc of the minors of Harriet Browder, for Family Meeting.*

To the honorable the Judge of the Court of Probates, in and for the parish of East Baton Rouge, State of Louisiana.

The petition of Thomas Gibbes Morgan, appointed curator ad hoc, by your honor, to Richard Butler Hooke, Francis Fitzhenry Hooke, Wm. Butler Hooke, and Moses Josiah Hooke, and Jane B. Browder and Harriet E. Hooke, minor children and heirs of the late Mrs. Harriet Browder, deceased, respectfully represents:

That your honorable court has lately rendered a decree for the sale of the property averred to belong to the community lately existing between the said Harriet and her last husband, F. A. Browder, for the purpose of effecting a partition of the said property between the said minors and the legal representatives of the estate of the said Browder, showeth:

That the creditors of the said Browder, at a meeting legally convened, have determined that said property should be sold on a credit. Wherefore, petitioner prays that a meeting of the friends of said minors may be convened, in pursuance of the article 1,263 of the Louisiana Code, to direct on what terms the said property shall be sold, and to take into consideration such matters and things touching the premises, as may be submitted to them.

(Signed) THOMAS GIBBES MORGAN.

*Endorsed*—Let a family meeting, composed of Messrs. John Reid, R. Legendre, Adolphe, Samuel Isset, and John Buhler, be convened at mye office, after due notice, as prayed for in this petition, to deliberat on the matters therein contained.

(Signed) CHS. TESSIER, *P. J.*

*Notice.*

THE STATE OF LOUISIANA, *to John Reid, R. Legendre, Adolphe Legendre, Samuel Isset, and John Buhler:*

You are hereby notified to assist as members of a family meeting, to be convened before the judge of the court of probates, as notary public of the parish of East Baton Rouge, at his office, in the town of Baton Rouge, on Tuesday, the 11th of September, 1832, at 11 o'clock, A. M., to deliberate on the prayer of the petition of T. G. Morgan, curator ad hoc of the minor children of late Harriet Browder, for terms of sale.

By order of the said court.

A. WINTHROP, *Clk.* [SEAL.]

*Deliberations of the Family Meeting.*

On this 11th day of September, 1832, before me, Chs. Tessier, acting as notary public in the parish of East Baton Rouge, by virtue of an order issued by me as parish judge of said parish, on the 7th day of September, 1832, in this city of Baton Rouge, in the parish aforesaid, came Messrs. John Buhler, R. Legendre, A. H. Legendre, Benjamin Bryan and John Reid, all friends of the minors, R. B. Hooke, F. F. H. Hooke, W. B. Hooke and M. J. Hooke, and Harriet E. Hooke and Jane B. Browder, minor children of the late Mrs. Harriet Browder, deceased, in default of relations within the parish, or within thirty miles thereof.

Who, having acknowledged due and legal citations, were by me formed into a family meeting, Thomas G. Morgan, esq., curator for the said heirs, being present, and the said members being each severally sworn on the Holy Evangelists, to deliberate and determine on the matters submitted to him to the best of his ability.

I thereupon submitted to them the petition of the curator appointed to represent the said heirs, praying that the terms of sale of the share and interest of the said minor heirs in the community existing between their late mother, Harriet, and F. A. Browder, deceased, be fixed by them, and also submitted the previous deliberations of the curators of F. A. Browder. Whereupon the said family meeting did consult with one another, and having determined thereon, they unanimously declared that the interest of the said minor heirs required that the terms of sale should be the same as had already been advised by the creditors of F. A. Browder, deceased; and they, in consequence, advise that the plantation and slaves, held in community between the said F. A. Browder and Harriet E. Hooke, both deceased, situated in this parish, be sold on a credit of one, two, and three years; the purchaser or purchasers giving good endorsed notes, secured by mortgage, and payable at some bank in the city of Baton Rouge; and the horses, stock, and personal property, for cash.

In faith whereof they have hereto set their hands with me, the notary, the day and year first above written.

JOHN BUHLER,
R. LEGENDRE,
A. H. LEGENDRE,
B. BRYAN,
JOHN REID,
THOMAS G. MORGAN, *Curator ad hoc.*
CHS. TESSIER, *P. J.*

I certify the foregoing to be a true copy of the original on file in my office. In witness whereof I have hereunto set my hand and public seal, at Baton Rouge, this 11th day of September, 1832.

(Signed) CHS. TESSIER, *P. J.* [SEAL.]

*Endorsed*—Filed 11th September, 1832.

(Signed) A. WINTHROP, *Clk.*

*Petition for homologation of Family Meeting, &c.*

To the honorable the Judge of the Court of Probates, for the parish of East Baton Rouge.

The petition of John Linton, administrator of the estate of F. A. Browder, and of T. G. Morgan, esq., curator ad hoc of the minor heirs of Mrs. Harriet Browder, deceased, widow of Mr. Hooke, respectfully shows:

That the family meeting of the minor heirs assembled before Chs. Tessier, esq., notary, by order of your honor, have deliberated, and the proceedings are herewith annexed.

It is respectfully prayed that they may be homologated, and your petitioners pray that the whole of the plantation and slave stock, &c., may be sold, as agreed upon by the creditors of F. A. Browder and the friends of the minor heirs, to wit.: the stock and personal property for cash, and the lands and slaves at one, two, and three years, secured by good en-

dorsed promissory notes, payable at some bank, say the office of discount and deposite of the Bank of Louisiana, at Baton Rouge, with mortgage on said notes until paid.

(Signed) THOS. GIBBES MORGAN,
L. PIERCE.

*Endorsed*—Parish of East Baton Rouge. Estate of F. A. Browder and wife.

On reading the petition, and examining the deliberation of the said family meeting, to be approved and homologated, and it is further ordered, that the said plantation, slave stock, &c., be sold; the land and slaves at one, two, and three years' credit, secured by mortgage and promissory notes, with good endorsemennts, and the personal property for cash.

(Signed) CHS. TESSIER, *P. J.*

*September* 11, 1832.

Filed 11th September, 1832.

(Signed) A. WINTHROP, *Clk.*

*Petition to appoint a Curator to represent the minors, Celia Ann and Mary Browder, absent, &c.*

To the honorable the Judge of the Court of Probates for the parish of East Baton Rouge.

The petition of John Linton, administrator of the estate of F. A. Browder, respectfully shows:

That the said F. A. Browder is alleged to have held some property in community with his second wife, Isabella Henderson, since deceased, having two children by said marriage, to wit, Mary Browder and Celia Ann Browder, both minors, absent and unrepresented; that said property consists of slaves on the plantation of said Browder, situated in this parish; that it will be necessary to sell all the right, title, and interest of the said Browder to all the property he may possess, in order to pay his debts.

That for that it may be necessary to have a partition of the property held in common with the said Celia Ann and Mary Browder.

It is therefore prayed that your honor will appoint a curator to represent the absent and unrepresented minors, and that a partition be ordered according to law.

(Signed) L. PIERCE, *Attorney.*

*Endorsed*—No. 257, court of probates, parish of East Baton Rouge. Petition of administrator of F. A. Browder.

It is ordered that J. M. Elam, esq., be appointed curator ad lites to the to the minors, Mary Browder and Celia Ann Browder, absent and unrepresented, and that he have notice of this petition, and answer thereto, within the legal delays.

(Signed) CHS. TESSIER, *P. J.*

*September* 10, 1832.

Filed. M. MORENO, *Dept. Clk.*

Served by delivering a copy of this petition to J. M. Elam, in person, this 17th September, 1832.

(Signed) JOHN BUHLER, *Sheriff.*

*Citation.*

STATE OF LOUISIANA, *Court of Probates, Parish of East Baton Rouge.*

Mr. J. M. Elam, esq., curator ad lites to the minors, Mary and Celia Ann Browder, residing in the parish of East Baton Rouge.

You are hereby summoned to appear at the office of the sheriff of the parish of East Baton Rouge, and comply with the prayer of the annexed petition, or file your answer thereto, in writing, in the office of the clerk of the court of probates, in the town of Baton Rouge, in 10 days from service hereof.

Witness the hon. Chs. Tessier, judge of said court, the 13th day of September, in the year of our Lord 1832.

Petition of administrator of F. A. Browder, No. 257.

(Signed) M. MORENO, *Dept. Clk.*

*Endorsed*—Served by delivering a copy of the within citation to J. M. Elam, in person, this 17th September, 1832.

(Signed) JOHN BUHLER, *Sheriff.*

*J. M. Elam, Curator, &c., for Family Meeting.*

To the honorable the Judge of the Court of Probates for the parish of East Baton Rouge, State of Louisiana.

James M. Elam, attorney at law, appointed by the honorable court of probates, on the 10th September, 1832, curator ad lites to the minors, Mary Browder and Celia Ann Browder, absent heirs, children of F. A. Browder and Isabella Henderson, both deceased, in answer to the petition of John Linton, administrator to the estate of F. A. Browder, respectfully showeth:

That the property, which the petitioner alleges F. A. Browder held in community with Isabella Henderson, consisted in lands and slaves to the amount of five thousand one hundred and eighty-two dollars and fifty cents, besides a separate property, amounting to the sum of $1,950, as appears from the petition of John Henderson, tutor of said minors, of Adams county, State of Mississippi, as will appear by reference to said petition and other documents relative thereto, further showeth:

That the interest of the said minors, Mary Browder and Celia Ann Browder, requires that a partition of the succession of F. A. Browder be made.

Wherefore your respondent prays that a family meeting, composed of the relatives or friends of the said minors, be summoned to appear and deliberate on the premises, and a partition be made according to law.

(Signed) J. M. ELAM,
*Atty. for absent Heirs.*

*Endorsed*—No. 257, court of probates. Answer of J. M. Elam, attorney of absent heirs. In the matter of the succession of F. A. Browder. Filed 21st September, 1832.

(Signed) M. MORENO, *Dept. Clk.*

*Order—Sept. 21st, 1832.*

Let a family meeting, composed of Messrs. John Reid, R. Legendre, Adolphe Legendre, Samuel Isset, and John Buhler, be summoned at my office, after due notice, as prayed for in this petition, to deliberate on the matter therein contained.

(Signed) CHARLES TESSIER, *P. J.*

*Order, &c.*

On the petition and answer being considered in this case, the court orders, adjudges, and decrees, that a partition be made, and that due proceedings be laid thereon according to law. September 21st, 1832.

(Signed) CHS. TESSIER, *P. J.*

*Notices.*

THE STATE OF LOUISIANA, *To John Reid, R. Legendre, Adolphe Legendre, Samuel Isset, and John Buhler.*

You are hereby notified to assist as members of a family meeting to be convened before the judge of the court of probates, as notary public of the parish of East Baton Rouge, on Monday the 24th day of September, 1832, at 11 o'clock, A. M., to deliberate on the prayer of the petition of J. M. Elam, curator ad lites of the minor children of F. A. Browder and Isabella Henderson, both deceased, for partition.

By order of said court. September 21st, 1832.

M. MORENO, *Dept. Clk.*

*Endorsed*—Served by delivering copies of the within notice to J. Reid, Samuel S. Isset, A. Legendre, R. Legendre, in person, and accept for self.

(Signed) JOHN BUHLER, *Sheriff.*

*Extracts from Summary Proceedings. September 24th,* 1832.

Succession of F. A. Browder, No. 257.

It appearing that Samuel Isset, one of the family meeting in this case, being absent—ordered, that Benjamin Bryan be substituted in his stead.

(Signed) CHS. TESSIER, *P. J.*

*Deliberations of Family Meeting.*

STATE OF LOUISIANA, *Parish of East Baton Rouge.*

On the 24th of September, 1832, before me, Chs. Tessier, parish judge and ex officio notary public, in and for the parish aforesaid, by virtue of an order issued by the probate court, on the 21st instant, were regularly convened Messrs. A. H. Legendre, John Buhler, Benjamin Bryan, R. Legendre, and John Reid, all friends of the minors, Mary Browder and Celia Ann Browder, children of F. A. Browder and Isabella Henderson, both deceased, in default of relations in this parish, and within thirty miles of the same, which were formed into a family meeting, James M. Elam, esq., curator for the said minors, being present; and the said members being sworn on the Holy Evangelists to deliberate and determine in the matters submitted to them, to the best of their abilities, I thereupon submitted to them (to the best of their abilities) the petition of the curator appointed to said heirs, for the purpose of effecting a partition of the community property held between them, and to determine according to the interest of said minors.

Whereupon the said family meeting did consult with one another, and after discussing the subject, they unanimously declared that the interest of said minors required that a sale should be made of the said community property, and that the terms be the same as had been already advised by the creditors of F. A. Browder, deceased, to wit.:

The plantation and slaves on a credit of one, two, and three years, the purchaser or purchasers giving good endorsed notes, secured by mortgage, payable at some bank in Baton Rouge; and the horses, stock, and personal property, for cash.

In faith whereof I have closed the present meeting, and the members thereof have hereto set their hands, with me, the said judge and ex officio, notary public, the day and year first above written.

(Signed) A. H. LEGENDRE,
JOHN BUHLER,
BENJAMIN BRYAN,
R. LEGENDRE,
JOHN REID.
CHS. TESSIER, *P. J.*

A true copy of the original on file.

CHS. TESSIER, *P. J.* [SEAL.]

*Endorsed*—Estate of F. A. Browder. Family meeting for sale. Filed September 25th, 1832.

(Signed) M. MORENO, *Dept. Clk.*

*Homologation of Family Meeting.*

To the hon. Charles Tessier, Judge of the Court of Probates, in and for parish of East Baton Rouge.

The petition of James M. Elam, curator ad lites for the absent minors, Mary Browder and Celia Ann Browder, children of F. A. Browder's marriage with Isabella Henderson, both deceased, respectfully showeth:

That on the day of September, 1832, your honor, acting in the capacity of notary public, caused to be convened, Messrs. A. H. Legendre, R. Legendre, John Buhler, J. Reid, Benjamin Bryan, friends of the minors, Mary Browder and Celia Ann Browder, children of F. A. Browder and Isabella Henderson, both deceased, to deliberate on the most advantageous manner of effecting of a partition of the succession of the said F. A. Browder, and after discussing the same, advise that the same be sold on the same terms and conditions as agreed on by the creditors of the said F. A. Browder, as will more fully appear by reference to a certified copy of the proces verbal of said family meeting, hereunto annexed, and prayed to be taken as part of this petition.

As it does not appear that the said minors have at any time, or in any manner, either accepted or renounced the succession of the said Browder, or done any act to make them liable in any manner for the debts of said succession, your petitioner, as curator ad lites, protests against the liability of said heirs in any manner whatsoever; claims the right, in behalf of said minors, at any time to demand from the proceeds of the sale of said succession, whatever amount that may be due said minors, on account of the separate property of the minors, inherited from their mother, Isabella Henderson, and left in trust with the said F. A. Browder for them, as well as the community property existing between the said F. A. Browder and Isabella Henderson, at the death of the latter; with this reservation, petitioner prays that the deliberation of the family meeting be homologated, that the sale and partition take place in pursuance thereof.

(Signed) J. M. ELAM,
*Curator ad lites for absent Heirs.*

*Endorsed*—No. 257, probate court.
In the matter of the succession of F. A. Browder. Filed September 25th, 1832.

M. MORENO, *Dept. Clk.*

*Order.*

Let the homologation of the family meeting take place as prayed for in the petition; that the minors, Mary Browder and Celia Ann Browder, be free from any responsibility, as heirs, from the debts of the succession; that the right be reserved to them to claim from the succession of the said F. A. Browder, or from the proceeds of the sale thereof, whatever amount that may appear to be due them, either as separate property inherited from their mother, Isabella Henderson, and left in trust of said F. A. Browder as well as of community property existing between the said F. A. Browder and Isabella Henderson, and it is further ordered, that the property belonging to the community which existed between the petitioner and the late F. A. Browder, deceased, be sold according to the deliberations contained in said family meeting. September 25th, 1832.

(Signed) CHS. TESSIER, *P. J.*

*Petition for Inventory.*

To the honorable the Judge of the Court of Probates for the parish of East Baton Rouge.

The petition of John Linton, administrator of the estate of Frederick A. Browder, respectfully shows:
That it is necessary to make inventory of the property claimed and alleged to be community property of the late F. A. Browder and Isabella Henderson, deceased. Wherefore it is prayed that an inventory be ordered, and that J. M. Elam, curator, appointed to represent the absent and unrepresented minors, Mary and Celia Ann, be notified to attend, and that appraisers be appointed according to law, and that they report if said property can be conveniently divided, or should be sold.

L. PIERCE.

*Endorsed*—Court of probates, estate of F. A. Browder. Petition for inventory. Filed October 26, 1832.

(Signed) M. MORENO, *Dept. Clk.*

*Order.*

It is ordered, that an inventory be taken before me, as notary public, of all the property claimed as community property, and that P. Hickey and Guy Duplantier, esquires, be appointed appraisers, and report if said property can be conveniently divided. October 26, 1832.

(Signed) CHS. TESSIER, *P. J.*

*Citation.*

THE STATE OF LOUISIANA, *Probate Court, East Baton Rouge.*

*Mr.* J. M. Elam, esq., curator, appointed to represent the absent and unrepresented minors, Mary and Celia Ann Browder, residing in the parish of East Baton Rouge.

You are hereby summoned to appear at the office of the sheriff of the parish of East Baton Rouge, and comply with the prayer of the annexed

petition, or file your answer thereto, in writing, in the office of the clerk of the court of probates at the town of Baton Rouge, in ten days after service hereof.

Witness the honorable Chs. Tessier, judge of the said court, the 26th October, in the year of our Lord 1832. Estate of F. A. Browder, No. 257.

(Signed) M. MORENO, *Dept. Clk.* [SEAL.]

*Answer to Petition for Inventory.*

To the honorable the Judge of the Court of Probates, in and for the parish of East Baton Rouge, State of Louisiana.

Pleas and exceptions of J. M. Elam, residing in the parish of East Baton Rouge, State of Louisiana, appointed by the honorable court of probates of the parish of East Rouge, curator ad lites to Mary and Celia Ann Browder, absent and unrepresented minor children of F. A. Browder and Isabella Henderson, deceased, to the petition of John Linton, who prays that an inventory be made of the property held as community between F. A. Browder and Isabella Henderson, showeth:

That the probate court cannot entertain jurisdiction over the matters and things therein set forth, because the residence of the said John Linton is not therein specified. It is not alleged by whom he was appointed administrator of the estate of the said F. A. Browder; neither is it alleged that said succession was opened in the parish of East Baton Rouge, or within the jurisdiction of this court, or where the community property is situated.

(Signed) J. M. ELAM,
*Curator ad lites for the Minors.*

*Endorsed*—Court of probates. Estate of F. A. Browder. Answer to petition for inventory. Filed November 3d, 1832.

(Signed) M. MORENO, *Dept. Clk.*

SUCCESSION OF F. A. BROWDER AND ISABELLA HENDERSON,
*Petition for Family Meeting.*

To the honorable Chs. Tessier, Judge of the Court of Probates, in and for the parish of East Baton Rouge, State of Louisiana.

J. M. Elam, residing in the parish of East Baton Rouge, State of Louisiana, appointed by the honorable court of probates, for the parish of East Baton Rouge, curator ad lites to Mary and Celia Ann Browder, absent and unrepresented minors, children of F. A. Browder and Isabella Henderson, with respect showeth:

That it appears by an inventory, taken by your honor, as notary public, that there are certain slaves found in the succession of the late F. A. Browder, which made part of the community which existed between the said Browder and his second wife, Isabella Henderson, and as the aforesaid minors, Mary and Celia Ann, have a special mortgage on said slaves, it is advisable that the same be separated from the succession of the said Browder. It is therefore prayed that a family meeting of the relations, or, in default of relations, friends of said minors, be convened to deliberate on the most advantageous manner of disposing of said slaves.

(Signed) J. M. ELAM,
*Curator ad lites for Minors.*

*Endorsed*—Probate court. Succession of F. A. Browder and Isabella Henderson. Petition for family meeting.

*Order.*

Let a family meeting, composed of Messrs. John Reid, R. Legendre, Ben. Bryan, Adolphe Legendre, and John Buhler, be convened at my office, on the 16th instant, at 10 o'clock, A. M., to deliberate on the prayer of this petition; and let J. M. Elam, esq., curator ad lites to Mary and Celia Ann Browder, be cited to attend at said meeting. Nov. 3d, 1832.

(Signed) M. MORENO, *Dept. Clk.*

*Notices.*

STATE OF LOUISIANA, PROBATE COURT, EAST BATON ROUGE.
*F. A. Browder's Succession.*

To John Reid, R. Legendre, Ben. Bryan, A. Legendre, John Buhler, and J. M. Elam, curator ad lites to Mary and Celia Ann Browder.

Pursuant to an order of the probate court, you are hereby notified to attend at a family meeting, to be convened before Chs. Tessier, notary public, at his office, in the town of Baton Rouge, on the 16th day of November, 1832, at 11 o'clock, A. M., to deliberate on the prayer of the petition of J. M. Elam.

By order of said court.

(Signed) M. MORENO, *Dept. Clk.*

*Endorsed*—Served by delivering copies of the within notice to J. Reid, R. Legendre, Ben. Bryan, Adolphe Legendre, J. M. Elam, curator ad hoc of minors, and accept for self, this 13th November, 1832, in person.

(Signed) JOHN BUHLER, *Sheriff.*

IN THE MATTER OF THE SUCCESSION OF F. A. BROWDER.
*Deliberations of Family Meeting.*

STATE OF LOUISIANA, *Parish of East Baton Rouge.*

On this 17th day of Nov., 1832, before me, Charles Tessier, judge and ex officio notary public in and for said parish, by virtue of an order issued by the probate court, on the 3d instant, were regularly assembled, Messrs. John Buhler, Benjamin Bryan, Adolphe Legendre, and John Reid; all friends of the minors, Mary Browder and Celia Ann Browder, children of Frederick A. Browder and Isabella Henderson, both deceased, in default of relations in this parish, and within 30 miles of the same, which were formed into a family meeting.

Jas. M. Elam, esq., curator of the said minors, being present, and the said members being sworn on the Holy Evangelists to deliberate and determine in the matters submitted to them to the best of their abilities, I therefore submitted to them the petition of the curator appointed to said heirs, for the purpose of effecting a partition of the community property held between them, and to determine according to the interest of said minors.

Whereupon the said family meeting did consult with one another, and, after discussing the subject, they unanimously declared that the interests of

said minors required that a sale should be made of said community property, and that the terms be the same as had already been advised by the creditors of F. A. Browder, deceased, viz.:

The plantation and slaves on a credit of one, two, and three years, the purchasers giving good endorsed notes, secured by mortgage, and payable at some bank in Baton Rouge; and the horses, stock, and personal property for cash.

In faith whereof, I have closed the present meeting, the day and year first above written

The members thereof subscribing their names with me, the notary.

JOHN BUHLER,
B. BRYAN,
A. LEGENDRE,
R. LEGENDRE,
JOHN REID.

J. M. ELAM, *Curator for Minors.*
CHS. TESSIER, *P. J.*

I certify the foregoing to be a true copy from the original on file in my office.

[SEAL.] In witness whereof I have hereto set my hand and public seal at Baton Rouge, this 22d Nov., 1832.

(Signed) CHS. TESSIER, *P. J.*

*Endorsed*—Browder's succession. Family meeting. Filed Nov. 22d, 1832.

(Signed) M. MORENO, *Dep. Clk.*

*Petition for homologation of Family Meeting.*

To the honorable Charles Tessier, Judge of the Court of Probate in and for the parish of East Baton Rouge, State of Louisiana.

James M. Elam, curator ad lites for the absent and unrepresented minors, Mary and Celia Ann Browder, with respect showeth:

That the family meeting assembled as the friends of the absent and unrepresented minors, Mary and Celia Ann Browder, on the 16th day of Nov., 1832, to whom was refused the petition of their curator ad lites, praying them to advise what disposition should be made of the community property which existed between F. A. Browder and Isabella Henderson, consisting of certain slaves found on the plantation whereon the said F. A. Browder last resided, in the parish of East Baton Rouge, unanimously recommend that the same be sold on a credit of one, two, and three years, as will more fully appear by reference to a certified copy of the proces verbal of said meeting hereunto annexed.

Wherefore it is prayed that the deliberations of the family meeting be homologated, and a sale of the said community property be made agreeable to law.

(Signed) J. M. ELAM, *Atty.*

*Endorsed*—Court of probates, East Baton Rouge. Succession of F. A. Browder, 257. Petition of J. M. Elam for homologating family meeting for sale of property.

*Order for homologation and sale.*

On reading and filing the within petition, and finding the same to be regular, it is ordered, that the deliberation of the family, held on the 16th November, 1832, be homologated, and a sale of the community property which existed between F. A. Browder, and his second wife, Isabella Henderson, do take place on the 15th January, 1833, on a credit of one, two, and three years. November 22d, 1832.

(Signed) CHS. TESSIER, *P. J.*

Filed Nov. 22d, 1832.

(Signed) M. MORENO, *Dept. Clk.*

[SEAL.] I certify the foregoing to be a true copy from the originals on file in my office.

(Signed) A. WINTHROP, *Clk.*
M. MORENO, *Dept. Clk.*

I, Charles Tessier, judge of the court of probate of the parish of East Baton Rouge, State of Louisiana, that the above attestation, signed by the clerk of said court, is in due form.

(Signed) CHAS. TESSIER, *P. J.*

BATON ROUGE, *Dec. 28th*, 1832.

Afterwards, to wit, on the 10th day of March, A. D. 1834, into the said court came Harriet E. Hooke, Wm. Butler Hooke, Fs Fitzhenry Hooke, Richard B. Hooke, and Moses Josiah Hooke, minors above the age puberty, assisted by their curator ad lites, John F. Carmichael, and by their solicitor, Alfred Hennen, filed the following petition of appeal.

*To the Hon. Saml. H. Harper, Judge of the District Court of the United States for the Eastern District of Louisiana.*

The petition of appeal of Harriet Elmira Hooke, Wm. Butler Hooke, Francis Fitzhenry Hooke, Richard Butler Hooke, and Moses Josiah Hooke, minors above the age of puberty, citizens and residents of the State of Mississippi, represented and assisted by their curator ad lites, John F. Carmichael, also a citizen and resident of said State of Mississippi, respectfully shows:

That in the decree and judgment pronounced by your honor in the suit and bill of equity instituted by your petitioners against John Linton, in your honorable court, there is manifest error to the prejudice of your petitioners, inasmuch as there should be judgment in favor of your petitioners, instead of a judgment in favor of the said John Linton, as your petitioners have been advised.

Wherefore your petitioners pray an appeal from the decision. decree, and judgment of your honorable court to the Supreme Court of the United States, returnable at the next term of the said court.

Your petitioners offering to give security and comply with all requisites of the law for that purpose.

And as in duty bound will ever pray. Your petitioners.

ALFRED HENNEN, *of Counsel for Pets.*

*Judge's Order.*

Be it so, on the plaintiff's entering into bond with James M. Reynolds, as surety, in the sum of five hundred dollars, conditioned according to law.

SAMUEL H. HARPER, *Judge U. S.*

*Bond.*

Know all men by these presents, that we, John F. Carmichael, curator ad lites of Harriet E. Hooke, Wm. Butler Hooke, Francis H. Hooke, Richard B. Hooke, and Moses J. Hooke, and James M. Reynolds as surety, the former as principal and the latter as surety, are held and firmly bound unto John Linton, curator of the estate of F. A. Browder, in the sum of five hundred dollars, which we bind ourselves, our heirs, executors, and administrators or assigns, to pay to the said John Linton, his heirs, executors, administrators or assigns.

Given under our hands and sealed with our seals, in the presence of the undersigned witnesses, this 23d day of March, 1834.

Now the condition of this obligation is such, that if the above bounden J. F. Carmichael, curator, &c., prosecute with due effect his appeal allowed him by the district court of the United States for the eastern district of Louisiana, for carrying up his appeal to the Supreme Court of the United States, from the decree of said court, given the 14th day of January, 1833, in a suit in which the said J. F. Carmichael, curator, &c., is plaintiff, and John Linton, curator, &c., is defendant, and shall pay and satisfy, or cause to be paid and satisfied, the costs which, by the said Supreme Court, may or shall be adjudged against him, then this obligation to be null and void; otherwise it shall remain in full force and virtue.

J. F. CARMICHAEL, [SEAL.]
JAMES M. REYNOLDS, [SAEL.]

Attest: JOHN C. JENKINS,
L. F. HERMANN.

*Clerk's Office U. S. District Court, East. District of Louisiana.*

I, Duncan Nicholson Hennen, clerk of the district court of the United States for the eastern district of Louisiana, do hereby certify the foregoing one hundred and three pages to be a true and faithful transcript of the record, proceedings, and evidence, introduced in the case of Harriet E. Hooke, et als. *vs.* John Linton, curator of the estate of F. A. Browder, deceased, No. 3,158 on the docket of suits in this court, so fully as the same remains on file in my office.

In faith whereof, I have hereunto set my hand and affixed the seal of the court, at the city of New Orleans, this 7th day of April, [SEAL.] A. D. 1834, and of the Independence of the United States the 58th year.

DUNCAN N. HENNEN, *Clk.*

I, Samuel H. Harper, judge of the district court of the United States for the eastern district of Louisiana, do hereby certify that Duncan Nicholson Hennen, who has certified the foregoing transcript, is now, and was at the time of doing so, clerk of the district court of the United States for the eastern district of Louisiana; that the said certificate is in due form of law, and that to his official attestations full faith and credit are due.

Witness my hand and seal, at the city of New Orleans, this 7th [SEAL.] day of April, A. D. 1834.

SAM. H. HARPER, *Judge U. S.*